

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday, 11 September 2025 – Friday, 12 September 2025**

Virtual Hearing

Name of Appellant:	Grace Onyinyechi Odinakachi
Type of case:	Registrations appeal
Panel members:	Michael Lupson (Chair, lay member) Aileen Cherry (Registrant member) Darren Rice (Lay member)
Legal Assessor:	Monica Daley
Hearings Coordinator:	Stanley Udealor
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Ms Odinakachi:	Present and represented by Catherine Collins, counsel 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 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 have appealed the decision of the Assistant Registrar, dated 24 April 2025, who refused your application to join the NMC register as they were not satisfied that you meet the character requirements to be considered capable of safe and effective practice.

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 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 results. 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 then engaged Witness 3, an independent data analytics expert of OAC Limited, to provide it 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 analysis from Witness 3, in relation to your CBT, shows that you achieved a pass in your tests in the following time periods:

- Numeracy: 3.68 minutes (Time allocated for test: 30 minutes)
- Clinical: 7.73 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 genuine pass in your tests within the time it took you to complete them.

Taking into account the time 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 first application to the register, the Assistant Registrar, in their letter dated 7 December 2023, took into account the following documentation:

From the NMC:

- Your completed application
- The 'evidence bundle' consisting of:
 - Witness 3's expert report
 - Witness statement of Witness 4 from Pearson VUE
 - Witness statement of Ms 2 of the NMC

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 first CBT result fraudulently. Whilst, you had not used this result in your application, the Assistant Registrar concluded that the evidence of your involvement in fraudulent activity gave rise to matters of your suitability to meet the good character requirements.

You again applied for registration. When considering your second application to the register, the Assistant Registrar, in their letter dated 24 April 2025, took into account the following documentation:

From the NMC:

- Your completed application
- The Assistant Registrar's letter to you dated 7 December 2023
- The 'evidence bundle' consisting of:
 - Witness 3's expert report
 - Witness statement of Witness 4 from Pearson VUE
 - Witness statement of Ms 2 of the NMC
 - Witness statements of Witness 1/Registrant A and Witness 2/Registrant B

From you:

- Email dated 3 April 2025 including your response and reflections.
- Character references.

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 first CBT result fraudulently. The Assistant Registrar determined that you did not meet the character requirements to be considered capable of safe and effective practice and therefore refused your application.

On 8 May 2025, you appealed the decision of the Assistant Registrar in a Notice of Appeal.

Evidence

The panel heard live evidence from the following witnesses called on behalf of the NMC:

- Witness 3: An independent data analytics expert of OAC Limited known now as Broadstone

- Witness 4: Director of Information Security and Security Services at Pearson VUE

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

- Signed written statement
- Email dated 3 April 2025 including your response and reflections.
- Character references.
- Your Curriculum Vitae (CV)
- Practice materials
- Your academic records
- Payment receipts for CBTs on adult nursing and mental health nursing respectively
- [PRIVATE]
- [PRIVATE]

The panel also heard evidence from you under affirmation.

You were referred to the various references made on your behalf. You explained your relationship to your referees and confirmed that they were aware of the CBT fraud allegations. You explained the statutory obligations of the Nursing and Midwifery Council of Nigeria (NMCN) and highlighted that you were admitted into the NMCN's register in November 1997. You asserted that, since your admission into that register, there has been no concerns raised about your nursing practice in the various roles you had undertaken as you have been a diligent, honest and hardworking nurse. You stated that your university degree certificate and transcripts demonstrated that you were an above average student during your studies.

[PRIVATE]

You stated that you were very confident in taking your first CBT because you were familiar with the structure of the questions based on your clinical experience as a nurse and your personal preparations for the exam. You told the panel that you joined some Telegram and WhatsApp paid study groups as well as utilised some CBT practice websites including the NMC CBT practice website. You stated that, in the Telegram and WhatsApp study

groups, there were usually scheduled four-hour interactive sessions held twice a week where CBT practice questions and answers were discussed and relevant study materials were shared among participants for personal study. You stated that these groups were open to every prospective candidate from any country as long as they understood the English language.

You told the panel that you utilised extensive practice materials on the NMC website and you also attended the NMC Test of Competence webinar in preparation for your first CBT. You then explained to the panel relevant areas of some of the practice materials you used. You asserted that those practice materials helped you to understand what was expected of you and to prepare for relevant potential topics. You stated that the quickest time for you when taking the mock tests was around ten minutes for the numeracy aspect and around thirty minutes for the clinical aspect.

You provided a detailed account to the panel on what transpired before and during your CBT at the Yunnik centre. [PRIVATE]

[PRIVATE]. You explained that given that you would be in Ibadan on work leave during that period, you decided to book a test centre there as the alternative was to book in Enugu which was a six-hour drive from your location in Ibadan. You informed the panel that you chose the Yunnik centre out of other four test centres in Ibadan due to the close proximity to your accommodation at that time in Ibadan as it was merely a twenty-five-minute drive. You stated that you left Calabar on 12 January 2023 to Ibadan, which was an eight-hour-drive, and you continued in your preparation for the CBT while enroute to Ibadan.

You stated that you arrived at the Yunnik centre at 8:50 on 13 January 2023 and at the reception area, you presented your identification document (international passport) and your payment receipt. You thereafter completed your biometric verification, and you were taken to the exam room where you commenced your CBT at 9:00. You stated that there was another candidate in the same exam room, but you completed your exam before them. Although you did not see that candidate's computer screen, you believed that they were also taking the CBT as you assumed that any candidate at the Yunnik centre would be taking the CBT. You asserted that you could not give any explanation as to why

Pearson Vue data shows that you sat the CBT at 10:28 and the alleged fast times it took you to complete each part of the CBT.

You told the panel that the possibility of you completing an exam within eleven minutes where the allocated time was three hours is quite doubtful. You stated that you took your CBT within one hour, submitted your answers and collected your result sheet. You asserted that you answered the CBT questions yourself and not through a proxy. You stated that nobody suggested to you or any candidate during your CBT to rush through the exam at the Yunnik centre. You told the panel that although the CBT questions would have required extensive reading in order to understand it, you did not require such extensive time to understand the questions due to your level of preparation in practising similar questions and your clinical experience. You further stated that you did not review your answers before you submitted them because you were very confident about your answers and you felt that reviewing them may make you have second thoughts about your answers.

You stated that you were not successful in your various job applications to prospective UK employers after you had passed your CBT. You stated that your friends in mental health nursing advised you to switch from adult nursing to mental health nursing. You stated that they assured you that you could transition into mental health nursing given that you have had experience in working in an emergency unit where you attended to patients in the acute area. You therefore decided to switch to mental health nursing and therefore cancelled your application based on your adult nursing CBT.

You told the panel that you sent an email to the NMC on 2 May 2023 to inform them about your decision to cancel your adult nursing CBT and to take the mental health nursing CBT. You stated that when you did not receive the reference number from the NMC required to book the mental health nursing CBT, you sent repeated emails to the NMC. You stated that, in its reply to your emails, the NMC informed you that there were fraudulent concerns about your adult nursing CBT you had taken at the Yunnik centre. You stated that you then informed the NMC that you had cancelled that exam. Three weeks later, the NMC sent you the authorisation to test (ATT) number to enable you to take the mental health nursing CBT. In terms of your preparation for your mental health nursing CBT, you stated that you revised practice material to cover the different areas of mental health nursing, and

you also took classes on Saturdays with some study groups. You stated that the quickest time for you when taking the mock tests was around ten minutes for the numeracy aspect and more than thirty minutes for the clinical aspect.

You took the mental health nursing CBT on 8 July 2023, and you did not book the Yunnik centre because at the time of your registration, the Yunnik centre had been closed by Pearson Vue. Therefore, you had to travel to Lagos to take the second CBT. You stated that you took this CBT at around 13:00. You told the panel that the only difference between the Yunnik centre and the second test centre where you took the mental health nursing CBT was that the second test centre was bigger but the approach to the exam was the same.

You acknowledged that it took you twenty-seven minutes to complete the numerical aspect and ninety-five minutes to complete the clinical aspect respectively of the mental health nursing CBT. You explained that this was because you were not familiar with the subject area and therefore, you needed sufficient time to analyse the questions before you could answer them. You asserted that this was unlike your adult nursing CBT where you were faster in answering the questions given that you were more familiar with the subject area based on your clinical background. You confirmed that you used your mental health nursing CBT result to apply for your admission into the NMC register.

You accepted that the NMC had stated in its website that 90% of the CBT would be generic content whilst 10% of the questions would be field specific. However, you asserted that the majority of your mental health nursing CBT questions were field specific, therefore, you required more time to answer them coupled with the fact that the mental health practice in UK is quite different to the practice in Nigeria. This made you to also take some time to review your answers before you submitted them.

Submissions

Ms Khan provided the background to the case and referred the panel to the relevant documents within the bundle.

Ms Khan submitted that, between 2019 and 2023, the Yunnik centre in Ibadan was not a neutral venue for clinical evaluation as it was a hotspot of misconduct. She submitted that

its integrity was compromised by widespread proxy test taking which was identified as a result of an investigation conducted by Pearson Vue. She highlighted that there were admissions made by Witness 1 and 2 who described being pressured to use proxy takers at the Yunnik centre and it should be noted that these witnesses were fully aware of the consequences of those admissions. She noted that there was the lack of safeguards at the Yunnik centre which demonstrated that the concern was not an isolated case but a systemic issue.

Ms Khan submitted that the oral evidence of Witnesses 3 and 4 were consistent and reliable as both witnesses were fair in their assessments and provided the limitations of their data analysis and discrepancies that might arise. She asserted that the data speaks for itself as it showed that you took your first CBT within exceptionally fast times and that exam was taken at 10:28 contrary to your claim that you commenced the exam at 9:00 on 13 January 2023. [PRIVATE]. She submitted that you could not provide any explanation as to the discrepancy between the start time of 10:28 as obtained from Pearson Vue and your claim that you started at 9:00.

Ms Khan asserted that there was no valid explanation from you as to why the data shows that you took 3.68 minutes to complete the numeracy aspect of your first CBT and 7.73 minutes to complete the clinical aspect when the time allocated was 30 minutes and 150 minutes respectively. She submitted that you could not provide a valid reason for not achieving such fast times in your second CBT. She highlighted that you seemed to suggest that you took an hour to complete the first CBT, but you rejected the data of the fast times as provided by Pearson Vue. She noted that you however did not reject the data of the time you took to complete the second CBT. Ms Khan submitted that you could not provide a valid explanation as to why you did not review your answers in your first CBT, but you reviewed your answers in your second CBT.

Ms Khan submitted that it is reasonable to expect that a person [PRIVATE] would take such reasonable time allowed to review their answers before submitting them. She submitted that your exceptionally fast times were so unique that the exact time could not be replicated at any place in the world. She highlighted the only centre where such similar times could be replicated was at the Yunnik centre and where results of the candidates who sat on the same day with you at the Yunnik centre are compared, it would be noted

that the pattern of the exam time, their duration and scores are suggestive that one proxy took all the exams.

Ms Khan highlighted that your second CBT was consistent with global average and did not fall within the 2500 percentile. She noted that the duration for the numeracy aspect of your second CBT was seven times longer than the time you took to complete the same aspect of your first CBT while the clinical aspect was eleven times longer than in your first CBT. She highlighted that the NMC had stated that 90% of the CBT questions would be generic while 10% would be field specific. She submitted that this contravenes your evidence that your second CBT was majorly field specific. She asserted that the inconsistency in the times taken to complete your first CBT, and second CBT demonstrated that your first CBT was taken through proxy. She submitted that this conclusion is supported by the fact that you took a considerable amount of time to travel from Calabar to Ibadan to take your first CBT and that you paid for your CBT fee through one of the managers of the Yunnik centre.

Ms Khan submitted that the conclusion has to be that your first CBT result was obtained fraudulently. She highlighted that the NMC registration process demands not only competence, but honesty, transparency and good character. She submitted that it is entirely irrelevant whether or not you had a motive to use a proxy and whether you do not seek to rely upon your first CBT result in your application for registration. She asserted that the fact that you had been dishonest in your first CBT raises serious concerns about your character and integrity. She therefore invited the panel to dismiss your appeal and uphold the decision of the Assistant Registrant in order to preserve the integrity of the register.

Ms Collins submitted that this is a case of inferences, and the panel could only determine matters if there is the evidence to support that inference. She referred the panel to the case of *GMC v Sunny*. She submitted that the fact that you have good character, you have never been before a regulatory body and never had any disciplinary issues raised against you, should be considered by the panel in making its decision on your character.

Ms Collins submitted that Witness 4 confirmed in his oral evidence that the majority of his conclusions in his witness statement were drawn from generic evidence as he had not considered your unique circumstances. She submitted that therefore the panel is invited to

consider and accept your explanation for booking your first CBT at the Yunnik centre in Ibadan as there was no other evidence to contradict your claim.

Ms Collins highlighted that there should not be any concern raised about the high scores you had in your first CBT as the minimum score as stated by Ms 2 in her witness statement was 87% and you had 89% which was not suspicious. She submitted that you had provided sufficient reasons for the differences in the time you took in completing your first CBT and your second CBT. She highlighted that there is no record or reference within your CV or your post basic qualifications of having been a registered mental health nurse in Nigeria.

Ms Collins submitted that it should be noted that you achieved a near similar score in your second CBT particularly in the numeracy aspects and this demonstrates that you did not take the first CBT via a proxy.

Ms Collins highlighted that you stated that you took your first CBT at 9:00, which is contrary to the data provided from Pearson Vue. She submitted that there has been no investigation or analysis by the NMC as to what circumstances a candidate who is scheduled for 9:00 is allowed to take a test nearly an hour and a half after the scheduled time, or an hour and a quarter after the time that candidates are informed that they would not be allowed to take their test. She submitted that you had been consistent in all your communication with the NMC that you started your first CBT at 9:00 and you never accepted the 10:28 start time as provided by Pearson Vue. She submitted that this demonstrates a discrepancy which raises doubts about the data provided by Pearson Vue as its confirmation email of your test time on 3 January 2023 was that your first CBT was scheduled at 9:00.

Ms Collins submitted that it cannot be said that you have engaged in any fraudulent behaviour, because there is no clear evidence that you fall within the threshold of 5 1/2 minutes for the numeracy and 21 1/2 minutes for the clinical as if one part of that data is incorrect (namely the start time), it raises doubts about other parts of such data.

Ms Collins highlighted that Ms Khan had stated that it would be reasonable for a person to review their answers for such an important exam. However, it should be noted that the

histograms showed that a number of people had undertaken the clinical aspect of the CBT between 40 and 60 minutes. Therefore, this punctures the argument of Ms Khan as some people may not bother to review their answers, and this may depend on the individual psychology of a person.

Ms Collins highlighted that Ms Khan has also raised the issue that no one in the world has taken the test within the fast times you had taken them. Ms Collins submitted that such statement cannot be made without consideration of the educational background and their level of preparation. She submitted that a person who had a good educational background, was qualified as a nurse since 1997 and had demonstrated evidence of their level of preparation would not be very slow in taking such CBT. She asserted that you had always maintained your stance that you took your first CBT yourself and you were very confident about your answers.

Ms Collins submitted that the experiences of Witnesses 1 and 2 should not be applied in your case as their accounts were inconsistent and amounted to hearsay. She submitted that the panel should also consider the circumstances of their admissions and why they were not called to give oral evidence in order for their accounts to be challenged by you.

Ms Collins submitted that most of the NMC's evidence is reliant on faulty inferences as there is no evidence to support the evidence that the clustering and pattern of other candidates' CBTs was suggestive of a proxy taker. It should be noted that Witness 4 did not suggest that the same day data was all of the examinations that were taking place on that day or that the Yunnik centre was only used for the NMC CBTs.

Ms Collins submitted that in considering the public interest, it should be noted that your first CBT result is not used as a basis for your application for registration and there were no concerns raised about your second CBT result which is the basis for your application.

Ms Collins therefore invited the panel to allow your appeal and quash the decision of the Assistant Registrar.

The panel accepted the advice of the legal assessor.

Panel's decision

In reaching its decision, the panel took into account all the oral and documentary evidence in this case, including the submissions of Ms Khan, your oral evidence and the submissions of Ms Collins.

In making its decision, the panel first considered whether it had sufficient evidence before it to substantiate the NMC's case that there was widespread fraud occurring at Yunnik at the time you took your CBT. The panel found the evidence before it to be cogent and credible.

The panel had sight of statements and analysis provided by Witness 4. It had sight of Witness 3's data analysis, including diagrams which evidence the times taken globally, including other test centres in Nigeria, to complete CBT, compared to the times achieved at the Yunnik centre.

The panel heard oral evidence from both Witnesses 3 and 4. It found both witnesses to be consistent in their responses, and that their evidence was cogent and in line with the written statements they had previously provided.

The panel noted the distinctly different time distribution plots when comparing the times achieved by candidates at Yunnik against those in other test centres in Nigeria, and globally. The panel considered that Witness 4's findings were corroborated by Witness 3's independent research.

The panel took into account that Witness 4 confirmed that there were no cyber-attacks or software malfunctions at Yunnik test centre that may have explained statistical anomalies.

The panel also noted the evidence detailing the pattern of proxy test taking behaviour reported on days when the NMC have received admissions of fraudulent behaviour. For example, Witness 1 and Witness 2 have provided statements that speak to their experience of fraudulent activity at the centre. In addition, Ms 2's statement details that there were 14 other logged admissions of fraudulent activities and use of human proxies at the Yunnik test centre. However, the panel approached the evidence of Witness 1 and

Witness 2, as well as that provided by Ms 2, with caution as this was admitted as hearsay evidence. The panel noted that it is a matter for it to ascribe what weight it thinks fit to hearsay evidence. The panel was mindful that, in any case, this evidence does not provide direct evidence of the day you took your test at Yunnik. The panel concluded that the hearsay evidence does contextually support the proposition of fraudulent activity at Yunnik but emphasises that it has placed most weight on the evidence provided by Witnesses 3 and 4.

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

The panel went on to determine whether it could be proved on the balance of probabilities that you had obtained your CBT results through fraudulent means at the Yunnik test centre.

The panel took account of the evidence detailing your adult nursing computer-based test results for the examination you sat on 13 January 2023. This showed a start time of circa 10.28 and indicates that you took 7.73 minutes for the clinical element of the test, for which Witness 3 calculates odds less likely than 1 in 56, 478. For the numeracy element of the test, this showed that you took 3.68 minutes, for which Witness 3 calculates odds of 1 in 58,123.

The panel carefully considered your evidence in respect of the test start time. You assert that you started around 9:00, that there must be an error with your recorded start time, and that the exam actually took you around one hour. However, the panel concluded that it had no reason to doubt the accuracy of the time stamped activity that had been pulled from the computer system. The panel noted that in your oral evidence, you stated that you were well prepared and able to spot the questions and answers quickly. It appeared to the panel that you were suggesting you could have completed your test in the exceptionally quick time, and at other times you seemed to say that the test results were erroneous.

The panel noted that, according to the data, on 13 January 2023, there were two other candidates that completed the computer-based test at Yunnik centre, both of which also had remarkably quick completion times. Indeed, the candidate reported to have sat the

exam immediately after you, completed the exam in an identical time. The panel concluded that it is highly improbable that there were three globally exceptional candidates, who happened to sit the exam on the same day, at the same test centre. The panel noted that no one globally has ever completed the clinical element of the test in the time you recorded, and only one candidate globally has recorded a time quicker than the time you recorded in the numeracy element.

With this in mind, the panel considered the evidence of your second computer-based test result that you sat on 8 July 2023, which related to mental health nursing. This evidence shows that you took 95 minutes for the clinical element of the test, and 27 minutes for the numeracy element. You gave evidence that the reason for the extra time (around one hour even if the first test took you one hour as you assert), was because mental health nursing was a new area for you, so it took you longer. However, the panel noted information in respect of the computer-based testing that confirms 90% of the questions still relate to general nursing and only 10% to the speciality area. In light of this, the panel was not satisfied that your account for the significant increase in completion time held any weight.

In light of all the evidence before it, the panel concluded that, on the balance of probabilities, your first CBT was completed by way of proxy test taker, and therefore the result was obtained by way of fraud.

The panel then went on to consider 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 had met the character requirements for admission to the NMC register.

Though noting that you seemingly have an lengthy and unblemished career, and that you have provided two testimonials that speak to your good character (be it that it is not clear if these referees were aware of the nature of the matter before this panel), the panel was not satisfied you have demonstrated sufficient good character to justify your being allowed admission to the NMC's register. In reaching this conclusion, the panel took into account that, whilst you may not have used the test that it deemed a proxy tester had completed

on your behalf, the evidence still supported that there had been an attempt by you to benefit from fraudulent activity, nonetheless.

The panel considered that fraud inherently links to dishonesty and is extremely serious. The integrity of the NMC's register is paramount, and any attempts to circumvent tests that are designed to ensure someone is capable of providing safe and effective practice cannot be tolerated. Serious attitudinal matters such as dishonesty and fraud are, in the panel's view, wholly incompatible with the standards expected of a registered nurse.

Consequently, the panel was not satisfied that you are of sufficient character for safe and effective practice.

For these reasons, the panel has decided to dismiss your appeal. It has decided to uphold the decision of the Assistant Registrar, thereby refusing your application to the NMC register.

This will be confirmed to you in writing.

That concludes this determination.