

**Nursing and Midwifery Council
Investigating Committee**

Registration Appeal Hearing

Thursday, 24 July 2025 – Friday, 25 July 2025

Virtual Hearing

Name of Appellant:	Oluwaseun Tosin Ogunmiloro
NMC PRN:	1021137112
Type of case:	Registrations appeal
Panel members:	Judi Ebbrell (Chair, registrant member) Debbie Holroyd (Registrant member) Howard Millington (Lay member)
Legal Assessor:	Monica Daley
Hearings Coordinator:	Samara Baboolal
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Mrs Ogunmiloro:	Present and represented by Catherine Collins, counsel instructed by the Royal College of Nursing
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 21 October 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 a pattern of test-taking which suggested 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: 14.65 Minutes (Time allocated for test: 30 minutes).
- Clinical: 10.17 Minutes (Time allocated for test: 150 minutes).

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

Taking into account the length of time in which your test was 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 clinical 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
- Witness statements of Witness 1 and Witness 2
- Data of test activity from Yunnik on the date you sat your test
- Your email dated 1 October 2024

In your correspondence you provided reasons why you chose to do your CBT in Yunnik. You explained that there were no test centres in Ekiti State where you lived. You said that Ibadan was the nearest safe location to you, and [PRIVATE].

You explained that you prepared very well for the exam by using various materials such as past paper questions from Pearson VUE, and materials uploaded by colleagues on social media and YouTube.

You explained that you went to the test centre alone and that your identity was checked. You said that you sat the CBT yourself without any assistance, infringement or undue intervention. You said that, based on the time you spent in the exam hall, you believe that your exam was completed honestly. You later sat a further CBT test, in relation to Midwifery, in Jamaica under strict exam conditions.

The Assistant Registrar considered your explanation. The Assistant Registrar acknowledged that you believe preparation helped you achieve these rapid test times, but did not accept that just thorough preparation could explain the very quick test time seen in your tests. 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 21 October 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision within the 28-day time limit.

Evidence

The panel took account of witness statements from the following witnesses on behalf of the NMC:

- Witness 1: A nurse who made admissions to fraudulent test taking at Yunnik.
- Witness 2: A nurse who made admissions to fraudulent test taken 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: Senior Nursing Education Adviser at the NMC.

The panel also heard evidence from you under oath.

Submissions

Ms Khan outlined the background to the case and submitted that there is evidence of widespread fraud at the Yunnik centre. She reminded the panel of the character requirements for a registered nurse.

Ms Khan invited the panel to dismiss your appeal and uphold the Assistant Registrar's decision to refuse your registration. She submitted that this decision is justified and necessary based on the weight of credible, consistent and compelling evidence.

Ms Khan submitted that your CBT results were obtained through fraudulent means. She submitted that you have not demonstrated that you have met the requirements of good character. She referred the panel to the same day data which shows that other individuals who took the test on that day had exceptionally fast test times.

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

- A witness statement dated 24 July 2025
- A defence bundle containing positive testimonials and evidence of practice that you had undertaken for the test

You gave evidence under oath and maintained that you took your CBT test honestly.

You explained that you chose a test centre in Ibadan as there was a better road towards a city where more people travel, and therefore there is less risk of kidnapping than other roads to the nearest centre. You were also able to stay with your relative who lives in Ibadan.

You explained that you started preparing for the test in December 2021 before applying to the NMC. You utilised a bank of questions that you had, as well as mock tests and revision materials.

You told the panel that you had confidence in yourself because you had prepared well, and therefore did not have a reason to check if your answers were correct or re-read questions. Once you finished, you submitted the test without anything further, hence your fast test time.

You explained that shortly before arriving at the centre, [PRIVATE], and you decided not to cancel your test as you would lose your money. You wanted to just write the exam as you were already in Ibadan at the centre, and it was not easy to register for the exam.

You maintained that you took your test honestly and said that you understand why good character is important in nursing.

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 had sight of the analysis provided by Witness 5 and Witness 4's data, including diagrams which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at the Yunnik Centre. The panel considered Witness 5's analysis of your specific data, which provided the following odds of how achievable your test times were:

*“Evaluated Clinical Timing: 10.17 minutes: Odds less likely than 1 in 56,478
Evaluated Numeracy Timing: 14.65 minutes: less likely than 1 in 6.42”*

This analysis identifies that, as result of your test times, it is more likely than not that you used a proficient proxy test taker at the Yunnik Centre.

It is 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. 14 of those individuals remain anonymous. Additionally, the panel had before it the data from Pearson Vue with regards to the times taken to complete the CBT at the Yunnik Centre. Witness 6 records the accounts given by 14 of individuals and in the test times of three of these individuals who made admissions, the time recorded for was inside the threshold of 1 in 2,500 for Part B (Clinical), however, the time recorded for Part A (the numerical test) was just outside the 1 in 2,500 threshold.

The panel considered the witness statements of both Witness 1 and Witness 2, who describe attending for the CBT at the Yunnik Centre where they described being pressured into using a proficient proxy test taker.

The panel noted that there were three other candidates who took the test at the same time as you, and all of them finished outside the 1 in 2,500 threshold, which is deemed to be suspicious. This raised concerns for the panel and suggested that it was more likely than not that a proficient proxy test taker (proxy test taker) may have been used on that day. Given the history of fraud at the testing centre, it is statistically improbable that three

candidates sitting for the exam at the same time could complete it so rapidly without help. Considering all this information, the panel was satisfied that there is enough evidence to support the claim that widespread fraud occurred at the Yunnik Centre at the time that 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 took into account your live evidence and your witness statement. It took into account that your clinical test time was exceptionally fast, and well within the threshold of the NMC's probability of concern.

The panel considered your explanation as to why you chose to sit your CBT test at Yunnik. It noted that there is no information to suggest that you knew this was the nearest test centre, [PRIVATE].

The panel also took into account that your original slot for taking the exam was at 11:30 am, and you took your test at 9:58 am. You explained that you received a distressing phone call at around 9 am [PRIVATE] and needed to finish your test quickly. You said that despite this, you were able to focus on your test because of your nursing training. The panel noted that there is no evidence before it that this [PRIVATE] occurred, and you did not provide any evidence [PRIVATE]. The panel was not satisfied of your explanation as to why you took your test so quickly. The panel concluded that this is suggestive that you did not take your clinical test yourself and instead used a proxy.

The panel took into account that, according to the same day data, three people took the test at the Yunnik centre that morning and also achieved statistically improbable times. The panel took into consideration your explanation regarding your fast test time, that you are academically capable and prepared thoroughly. The panel was of the view that there is no information to suggest that you did not prepare thoroughly for the test, and there is evidence that you are capable of completing the test, however, the panel was not satisfied that you have advanced a reason as to why you were able to complete the test so quickly.

In relation to your thorough preparation and usage of revision materials and past paper questions supplied on the Pearson VUE website, the panel took into account the evidence of Witness 6, who says:

‘Completing a range of the mock MCQs reviewed would not enable an individual undertaking the CBT to achieve a very quick test time.’

The panel also noted that these mock questions are available globally, and yet they have not statistically affected the timing of any test taker, save at Yunnik.

The panel considered that the appeal grounds, that you provided, focussed on challenging the Assistant Registrant’s reliance on the speculative and suspicious evidence. The panel considered that the information from you, did not undermine the decision of the Assistant Registrar. The panel did not find sufficient evidence from you demonstrating how you earned your results honestly.

The panel also considered why you were able to achieve such unlikely test times at Yunnik. It concluded that the only reasonable explanation for your fast completion was more likely than not that you obtained your test results 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. The panel was aware that it was for you to satisfy the panel that she met the character requirements for successful admission on the register.

The panel took into account the positive testimonials that you provided, which speak to your good character as a nurse. The panel also considered that you were no longer seeking to rely on the CBT test taken at Yunnik and are now relying on a further CBT test taken and passed for midwifery.

However, the panel, having found that you fraudulently obtained your CBT result (notwithstanding that you are no longer seeking to rely on this) noted that you have

maintained that this test was taken by you and was accurate throughout the NMC proceedings. Accordingly, it could not be satisfied that you are of good character.

The panel therefore decided to dismiss your appeal, to uphold the decision of the Assistant Registrar, 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.