

**Nursing and Midwifery Council  
Investigating Committee**

**Registration Appeal Hearing  
Tuesday 24 – Wednesday 25 June 2025**

Virtual Hearing

<b>Name of Appellant:</b>	<b>Tobechukwu Immaculata Okorie</b>
<b>PRN:</b>	1022074689
<b>Type of case:</b>	Registrations appeal
<b>Panel members:</b>	Ingrid Lee (Chair, Lay member) Helen Hughes (Registrant member) Richard Carnell (Lay member)
<b>Legal Assessor:</b>	Graeme Henderson
<b>Hearings Coordinator:</b>	Rebecka Selva
<b>Nursing and Midwifery Council:</b>	Represented by Mousumi Chowdhury, Case Presenter
<b>Ms Okorie:</b>	Present and represented by Gareth Waite, instructed by Royal College of Nursing (RCN)
<b>Decision:</b>	<b>Appeal dismissed</b>

## **Decision and reasons**

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council (NMC).

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the Assistant Registrar, dated 5 December 2023, that you did not meet the character requirements for registration to the NMC register.

## **Background**

Pearson VUE have a contract with the NMC as their Computer Based Test (CBT) provider which has been in place since 2014. The CBT is one part of the NMC's Test of Competence (ToC) and is used by the NMC to assess the skills and knowledge of people wanting to join the NMC's register from overseas as a nurse, midwife or nursing associate or re-join the register after a long period away from practice. The second part of the ToC is an objective structured clinical examination (OSCE) – a practical examination.

The current CBT (CBT 2021), created on 2 August 2021, is split into two parts (Part A and Part B). Part A contains a numeracy test consisting of 15 short answer questions and lasts for 30 minutes. Part B is a clinical test consisting of 100 multiple-choice questions and lasts for 2 hours and 30 minutes. All questions are scored as either correct or incorrect.

Pearson VUE contracted with a third party, Yunnik Technologies Ltd, in relation to a Pearson VUE Authorised Test Centre (PVTC) in Ibadan (the Yunnik centre), Nigeria. This testing centre is where the concerns in this matter relate.

Pearson VUE has control over the technology, but the environment is owned/controlled by the test centre and personnel are test centre employees. PVTCs are contractually required to adhere to specific Pearson VUE standards for delivery and operations.

Pearson VUE also provide additional centres referred to as Pearson Professional Centres (PPCs) and PVTC Selects which have additional security measures including biometrics

(palm vein) and CCTV footage. As the Yunnik centre was a PVTC it was not required to have these extra security measures.

On 15 March 2023, Pearson VUE identified that the Yunnik centre was delivering exams for multiple candidates who were completing the clinical part of the CBT in 10 minutes (2.5 hours is allowed for this part of the exam). The number of candidates was initially unknown.

The NMC was notified, and the Pearson VUE results team ran a report from January 2022, for all NMC exams that were delivered at the Yunnik centre.

Pearson VUE conducted a thorough and detailed investigation into the Yunnik centre and identified testing anomalies. They found that the data set for the period between 15 March 2019 and 31 March 2023 indicated a specific pattern of potentially fraudulent behaviour. Pearson VUE asserted that this was likely to be linked to proficient proxy testing which was not present at other testing centres globally.

Pearson VUE's investigation also concluded that there was no technical error at the Yunnik centre that had led to the data set and alleged that human interference was involved.

The NMC commissioned a report from Witness 5, instructed as an independent expert to analyse and report on data provided by the NMC. His conclusion was that there were a significant number of exceptionally quick test times at the Yunnik centre, compared to global averages.

On 3 August 2023 the NMC's Registrar decided to use as a benchmark the 1 in 2,500 percentile, in order to identify tests which were taken at such a speed that it is likely that the results had been fraudulently obtained (most likely utilising a proxy test taker).

Because of the evidence of widespread fraudulent activity at the Yunnik centre, the NMC was unable to be confident in any of the CBT results obtained at the testing centre. The Registrar therefore considered all CBT results obtained there to be invalid and that the safest, fairest, and most proportionate way to deal with this was to ask everyone who sat

their CBT at the Yunnik centre, to take a new CBT. In the absence of a valid CBT an individual should not have been allowed entry to the NMC register.

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

- Numeracy: 7.78 Minutes (Time allocated for test: 30 minutes).
- Clinical: 13.27 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your clinical test with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your test within the times it took you to complete it. Taking into account the 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 CBT result was obtained fraudulently.

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

- Your completed application;
- Expert reports by Witness 5 Head of Data Analytics at OAC;
- Witness statement of Witness 4, Director of Information Security and Security Services at Pearson VUE;
- Witness statement of Witness 6, Executive Director of Professional Practice at the NMC;

On 5 December 2023, you were informed that the Assistant Registrar had refused your application onto the register.

You appealed the decision on 29 December 2023, 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 of sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience of 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: Senior Nursing Education Adviser and member of the Executive Team in the Professional Practice Directorate at the NMC.

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

- Your defence bundle which includes your CV, testimonials, academic records and certificates;
- Your witness statement dated 21 June 2025; and
- Practice materials that you used in preparation for your exams;
- In addition you provided live oral evidence on oath.

## **Submissions**

Ms Chowdhury, on behalf of the NMC, outlined the background to the case. She submitted that it had been demonstrated beyond doubt that the concern around fast test times was not related to any issues with the Pearson VUE software.

Ms Chowdhury submitted that fraudulent human behaviour was responsible for the quick test times at Yunnik. She referred the panel to Pearson VUE's data, which indicated that the test completion times at Yunnik were significantly faster than global benchmarks. She pointed to Witness 5's statistical analysis, which shows that there was a large, and statistically significant, difference between test times at Yunnik and those of candidates at other centres both in Nigeria and globally. Additionally, Ms Chowdhury referred to witness statements and admissions from other test takers who had admitted to fraudulently procuring their CBT results, which corroborated the existence of proxy test-taking at Yunnik.

Ms Chowdhury submitted that the NMC's evidence, including fast test times, high scores and admissions from other test takers, supported the conclusion that widespread fraud occurred at Yunnik. She submitted that the method of fraud was irrelevant, but the key issue was whether the test result was dishonestly obtained.

Ms Chowdhury referred the panel to Witness 5's analysis of your test times and submitted that your times were exceptionally fast. Ms Chowdhury highlighted that your time for the clinical part of the test was one of the fastest achieved by any of the other candidates who

sat the test globally (excluding Yunnik). She submitted that it was highly improbable that you completed the CBT without the assistance of a proficient proxy test-taker.

Ms Chowdhury submitted that it was not necessary for the panel to consider the methodology of the fraud, whether there was more than one proxy at Yunnik, or the reasons why you may have used a proxy. She submitted that it was clear from the case law, that clever and competent people can cheat and there are numerous reasons why people may cheat.

Ms Chowdhury submitted that the practice materials you provided for the panel are available globally for candidates to prepare for the test and were not unique to you. She submitted that there was no reason for you to rush the test, and you had invested a significant amount of time, and effort to prepare for the test.

Ms Chowdhury submitted that nothing outweighed the compelling evidence that you obtained your CBT result through fraud.

Ms Chowdhury drew the panel's attention to the same day evidence in that there were four other candidates who sat their tests in a similarly fast time to you. She submitted that whilst it is unlikely that one person would ever achieve such fast times, it is even more unlikely that five of the world's fastest test takers all happen to sit the CBT exam at the same test centre on the same day within a 2 hour period.

In response to panel questions, Ms Chowdhury clarified that your resit CBT times are not before the panel.

The panel also took account of your live evidence given under oath.

You told the panel that you were born and raised in Abuja and went to nursing school in Imo state. You graduated nursing school in 2014. You got a job as a registered nurse in Owerri, where you lived with your family, in 2015.

You said that you work as a Senior Healthcare Assistant in an injury and rehabilitation centre in Kent. You said that you are a good team player, most of your colleagues love you and that you are resilient.

You told the panel that you live in the UK with your husband and children – all of whom are dependents.

You denied any involvement in the alleged fraudulent activity concerning the CBT test undertaken at the Yunnik Test Centre. You said that this allegation makes you feel heart broken, and that you feel affected physically and emotionally. You feel that you take this frustration out on yourself and your family. At work you feel ashamed, but you still want to prove your integrity.

Although the NMC alleges that you completed Part A of the CBT in 7.78 minutes and Part B in 13.27 minutes, you said that you were not paying attention to the time on the day of your test but recall that you found the CBT *'familiar'* due to your extensive preparation for five months prior to the CBT. You said that you also practised CBT questions using Pearson VUE resources.

In cross examination, you confirmed that you booked the CBT online. You stated that you chose the Yunnik Test Centre as that was the test centre which appeared on the booking site when you entered your preferred test date, as such you were not aware of the other test centres in Ibadan. You said that due to political violence and killings in Enugu, which would have been the closest test centre to your home in Owerri, you intentionally chose Ibadan, where you had family so you could stay over. Your family live 20 minutes from the Yunnik test centre.

You travelled from Owerri the day before to Ibadan, on 3 July 2023, and once you completed your CBT you aimed to return to Owerri as soon as you could as your husband would need to go to work later that night on 4 July 2023.

You said that, upon arrival at 7 am to the test centre, you were processed by an elderly man who checked your ID and took your photograph. You told the panel that this building did not feel as though it was an official test site, but you did not question it further. You told



the panel that you feel Yunnik should have been scrutinised and assessed earlier as to whether it was compliant as a testing site.

You stated that after you had completed all the biometric checks and registration there was a power supply issue which delayed your start time for your test from 7:30 am to some minutes past 11am. When you did start your test, the elderly man sat behind you as an invigilator, but he frequently left, went into his office and came back into your test room. There was another computer next to you, but no one sat there. You remembered an electrician who came into your test room who spoke quietly to the elderly man regarding the earlier power supply issue whilst you were completing your CBT. You said that you also remembered hearing voices from the reception but did not see anyone.

When questioned how you had not seen anyone in your test room despite the same day data showing that another candidate sat their test at 11:35 am, you confirmed that there were no other candidates in your test room, and you recall that the room you completed your registration in also had another laptop in it.

You said that you did not review your answers as you prepared well for the CBT and did not want to doubt yourself.

You said that you are an intelligent, reliable and hard-working student. However, when questioned by Ms Chowdhury about your nursing college results, you accepted that you are not an 'exceptional' student.

You told the panel that you did not agree with Witness 4's data showing your test times. You said that you felt you sat the test for around an hour, but you did not check the time.

You clarified that the Operations Manager from Reach Healthcare solutions, who provided a positive testimonial on your behalf, is aware of the regulatory proceedings against you.

In response to panel questions, you clarified that from Owerri it is around six to eight hours to Ibadan.

You clarified that you were able to get the bus home to Owerri after your test around 14:30 and you left the test centre around 12:30.

Ms Chowdhury outlined to the panel that today is the first time you have provided a rough estimate on how long you believe you sat your CBT for despite being aware of the Assistant Registrar's concerns since 2023. There is nothing before the panel to support your assertions regarding timing.

Ms Chowdhury submitted that the passing of the CBT was important, yet by your evidence, you did not even go back to look through your answers after completing the test. She submitted that this did not make sense, and it was not how honest test-takers complete exams.

Ms Chowdhury referred to Witness 4's evidence in that there is only one crossover between the Pearson VUE practice materials and the actual CBT.

Mr Waite, on your behalf, submitted that there is no proof before the panel as to why you would not be able to meet the necessary test for admission. He submitted that you have provided clear and credible evidence for your appeal. As such, he submitted that you did not cheat in your CBT test, nor did you obtain your result in any fraudulent way.

Mr Waite reminded the panel that the only issue that the NMC takes in relation to your CBT is in relation to Part B of the CBT, the clinical test.

Mr Waite reminded the panel that it has been almost three years since you sat your CBT in Yunnik and therefore is not reasonable to expect you to remember exactly what happened on that particular day.

Mr Waite referred to Witness 3's data of the tests which first flagged up as being 'unusually' fast with CBT completion (both part A and B) at around 9 minutes and stated that according to this, your CBT completion time should have been much faster if you used a proxy.

Mr Waite submitted that there is no direct or indirect evidence of any other candidates who sat their tests on the same day as you on 4 July 2022.

Mr Waite submitted that the evidence of Witness 1 and Witness 2 is not tested and therefore any weight placed on it must be limited. He also submitted that limited weight can be placed on Witness 5 as the '*extraction process has the potential to introduce bias*' and in general there are limitations with his data collection and analysis.

Mr Waite submitted that limited weight should be placed on Witness 4's evidence due to Pearson VUE and NMC's contractual relationship which presents bias and potential to cause unfairness. In similar light, he submitted that limited weight be placed on Witness 7's evidence as an employee of the NMC.

Mr Waite submitted that the NMC evidence is generic and circumstantial. He outlined that out of 360 pages of NMC evidence, only 1 per cent is alleged specific evidence.

Mr Waite reminded the panel that you passed your CBT resit in October 2023.

Mr Waite submitted that the panel could be satisfied that your thorough preparation, which included revising via the Pearson VUE practice materials, your level of general nursing knowledge, your extensive experience as a nurse, and your confidence in taking the test, was a credible explanation as to how you were able to achieve your fast test times.

Mr Waite asked the panel to consider the testimonials relating to your character, that you have a good work relationship with your colleagues and there have been no concerns raised against you.

Mr Waite submitted that your fast test times were explained by your preparation, experience and confidence. He submitted that you did not use a proxy test-taker during your CBT and therefore invited the panel to allow your appeal.

Mr Waite outlined relevant caselaw which the panel considered.

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 Yunnik. The panel found the evidence before it to be cogent and credible.

The panel had sight of the Pearson VUE data from Witness 4 and the independent expert analysis provided by Witness 5, including tables of data and graphs setting out the times taken globally and at other centres in Nigeria to complete the CBT. The panel noted the distinctly different time distribution plots when compared to the times achieved by candidates at Yunnik. The panel also referred to the statement of agreed facts between the NMC and the Royal College of Nursing (RCN):

*'If one excludes Yunnik, almost no one in the entire world completed Part B of the 2021 CBT in under 20 minutes... In other words, the most common times at Yunnik were more than twice as quick as the times anywhere else in the world.'*

The panel had sight of statements and analysis provided by Witness 4. It had sight of Witness 5'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 considered that Witness 4's findings were corroborated by Witness 5's independent research which outlined the stark difference in the test times taken at Yunnik as opposed to globally. The panel also considered that Witness 4 confirmed that there were no cyber-attacks or software malfunctions at Yunnik test centre.

The panel took particular note of the Pearson VUE evidence prepared by Witness 4 which identified patterns that were not found at other testing centres globally and the fact that the number of fraudulent cases at the centre increased over time, both of which were indicative of the use of human proxies. The panel considered that a proxy's increased familiarity with taking the tests and absence of being discovered were more likely than not to increase their speed and use at the test centre.

Having considered all the information before it, the panel noted the compelling generic evidence of statistical anomalies and patterns of suspicious behaviour at Yunnik. This included:

- Unusually fast test completion times, suggesting interference.
- Independent statistical analysis by Witness 5, confirming statistically significant discrepancies between CBTs taken in Nigeria (excluding Yunnik) and globally.

The panel considered that the evidence of the witness statements of both Witness 1 and Witness 2, although hearsay in nature and not speaking of the day you took your test, provide contextual evidence that proxy activity was taking place at the Yunnik test centre and during the period in question. The panel also noted the evidence of Witness 4 detailing the pattern of proxy behaviour reported on days when the NMC have received admissions of fraudulent behaviour. Again, the panel considered that these do not provide direct evidence of the day you took your test at Yunnik but provide further contextual evidence to support the proposition of fraudulent activity at Yunnik. The panel also referred to Witness 6's statement that there were 16 other individual accounts of their experience of fraudulent activities and use of human proxies at the Yunnik test centre.

Therefore, 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 next considered whether it is more likely than not that you obtained your CBT result at Yunnik fraudulently.

The panel considered your evidence that you chose Yunnik to sit your CBT as it was prompted to you when you entered your preferred test date on the booking website. It also considered your explanation that you did not pick Enugu test centre which was closest to you due to political unrest and serious violence. The panel accepted that your explanation for attending Ibadan to take your test was plausible, but you provided limited evidence as to why you chose Yunnik over any other centre in the Ibadan area that suited your preferred test date. The panel had regard to the background evidence that people who attended Yunnik would sometimes be pressurised to use a proxy on the day of the test.

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 Yunnik. 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: 13.27 minutes: Odds 1 in 28239.0.*

*'Evaluated Numeracy Timing: 7.78 minutes: Odds 1 in 199.74'.*

The panel noted that there were four other candidates who took the test at Yunnik on the same day as you and during the same time period that was in close proximity to your test all of whom finished in similar rapid times. The panel concluded the probability of five exceptional and fast test takers being present in the same centre and on the same day, within two hours each other, is highly improbable and a strong indication of fraudulent activity and in all likelihood a proxy being in use at the centre at the time and date you took your test.

The panel also considered your evidence that you stated that no other candidates sat in the room with you, which had capacity for two candidates. You told the panel that you sat the CBT for around an hour, yet in this time frame, including the registration room with the other working laptop, you should have seen at least one other candidate. In your oral evidence you said you sat your test for about one hour and not the times indicated by Witness 4. This was only raised during your oral evidence following panel questions and has not at any time formed part of your reasons for your appeal. This matter was not raised in either of your witness statements. Furthermore, there was no direct or indirect evidence before the panel to substantiate your claims that you sat the CBT for around an hour. However, it did note that you stated you were in a hurry to leave the test centre so you could catch your last bus back to Owerri. Your evidence was contradicted by the Pearson VUE records which the panel preferred to your oral evidence.

The panel noted your consistent evidence that you prepared very thoroughly for your CBT for around five months, with various types of practice material, courses and discussions with other prospective test-takers and that you felt confident to take the

CBT. The panel considered that most of these resources would be available globally, and that this would suggest that other people globally or in other test centres in Nigeria who accessed similar practice material might have been able to complete the test fast enough to meet the fraudulent concerns threshold. However, the data provided does not indicate such frequent and fast times at any other test centre. Further, the panel has seen evidence of your academic performance and although the certificates demonstrate that you hold professional nursing qualifications, there was nothing to suggest that you are an exceptional student who could complete exams in exceptional times. Similarly, your testimonials discuss your clinical performance but do not make any reference to your ability to sit exams quickly.

The panel took account your evidence that you did not think about the time it took you to complete the test, and that you found the test 'easy'. The panel noted that you said that you did not need to check your answers as you knew they were correct. This approach appears to be contradictory to the expected approach by a registrant sitting such a critical exam on which your future registration as a nurse in the UK depended on. The panel also took into account that the NMC Guidance on test taking which reinforces the need to check and double check answers.

The panel accepted some of your evidence that you studied thoroughly for the test, and the panel had no doubt that you are capable of completing and passing the CBT. However, in view of the panel's decision that there was widespread fraud occurring at Yunnik, the panel found that due to the exceptionally quick time in which you achieved your CBT result, making you one of the fastest candidates globally, it was highly unlikely that you could have achieved this without the assistance of a proxy. When looking at the comparison between your times and those of the global candidate population, from a test centre where there was widespread fraud, the panel considered that the only plausible explanation for you achieving your passes in the times that you did, was that you either used a proxy or had the assistance of a proxy. The panel acknowledge that your test time for Part A falls outside of the 5.5-minute threshold determined to be an indicator of fraudulent behaviour by the NMC. However, it considered it very unlikely that if a candidate committed fraud to obtain a pass that they would not do so across the entire test.

The panel took into account that you are of good character, and it had to be satisfied in making a finding of fraudulent activity that there had to be cogent evidence of the use of a proxy. The panel was satisfied that there is cogent evidence in relation to exceptionally fast completion times, the same day evidence at the Yunnik centre on that day, and the apparent lack of benefit to you from completing the test quickly, that you had completed the test with the assistance of a proxy. The panel therefore determined that it was more likely than not that you obtained your CBT result fraudulently.

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

Having found that you fraudulently obtained your CBT result and have maintained your position throughout your engagement with the NMC and this panel, the panel could not be satisfied that you are of good character. The panel had regard to 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015)', in particular paragraph 20, which sets out that registered nurses are expected to uphold the reputation of the profession. The panel therefore concluded that, in all the circumstances of your case, you were not able to demonstrate this standard.

The panel therefore decided to dismiss your appeal and 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.