

**Nursing and Midwifery Council  
Investigating Committee**

**Registration Appeal Hearing  
Friday, 1 August – Monday, 4 August 2025**

Virtual Hearing

<b>Name of Appellant:</b>	<b>Omolara Olajumoke Olanipekun</b>
<b>Type of case:</b>	Registrations appeal
<b>NMC PRN:</b>	1021131075
<b>Panel members:</b>	Amy Barron (Chair, lay member) Elaine Weinbren (Lay member) Sally Glen (Registrant member)
<b>Legal Assessor:</b>	Gerard Coll
<b>Hearings Coordinator:</b>	Abigail Addai
<b>Nursing and Midwifery Council:</b>	Represented by Uzma Khan, Case Presenter
<b>Miss Olanipekun:</b>	Present and represented by Harry Dickens, instructed by The 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 28 February 2025, 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, they 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 4, 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 tests in the following times:

- Numeracy: 18.70 Minutes (Time allocated for test: 30 minutes).
- Clinical: 16.62 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your tests with times taken by candidates across Nigeria and globally, it was considered very unlikely by the NMC that you could have achieved a pass in the 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 4 Head of Data Analytics at OAC
- Witness statements of Witness 5, Director of Information Security and Security Services at Pearson VUE
- Witness statements of Witness 3, Executive Director of Professional Practice at the NMC
- Witness statements of Witness 1 and Witness 2
- Your statement
- Two CBT pass certificates
- CBT Exam appointment for 18 October 2023

In your correspondence you stated that you travelled to Yunnik to take your CBT. On arrival you were the last candidate in line for the registration and capturing process. You became aware that the electricity source was low on fuel which was essential if you were to complete your CBT uninterrupted. As a result, you had no choice but to proceed with your CBT hastily and in a rush. In addition, you have said that there was an exacerbated shortage of fuel nationwide in January 2023.

You have also noted that you sat and passed a new CBT in the UK under normal exam conditions.

The Assistant Registrar who considered your explanation accepted that such pressure may have resulted in a fast test time. However, in their view, this did not explain how you were able to obtain such quick test times from Yunnik when compared with times taken by candidates across Nigeria and globally. In particular at a centre where the NMC believe there was widespread fraudulent activity taking place.

The Assistant Registrar next considered that you passed the new CBT under normal conditions and therefore demonstrated that you meet the standard of proficiency required for NMC registration. However, the Assistant Registrar concluded that this does not explain how you were able to obtain your test from Yunnik in the time you did when comparing it against times taken by candidates across Nigeria and 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 12 February 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 28 February 2024, within the 28 day time limit.

## **Evidence**

The panel also took account of evidence and 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.

## **Submissions**

Ms Khan, on behalf of the Nursing and Midwifery Council (NMC), outlined the background to your case and referred the panel to the relevant documentation.

Ms Khan informed the panel that you seek to overturn the decision made by the Assistant Registrar to reject your application to join the NMC register on 12 February 2024. She submitted that this decision was not made lightly and included months of investigation,

data analysis, witness accounts, and the emergence of evidence that pointed to a coordinated scheme of examination fraud at Yunnik.

Ms Khan informed the panel that you previously sat the legacy test on 29 June 2021, in which you took 131 minutes to complete. You then took the CBT again because at the time you applied to join the register, the legacy test was no longer used. Ms Khan submitted that the NMC seek to use your legacy test as evidence because your CBT results from 27 January 2023, showed significantly different results in a short period of time, namely 100% in your numeracy exam and 85% in your clinical exam. Ms Khan also informed the panel that there were other candidates who completed the CBT in a short period of time on the same day which raised suspicion that a proxy was being used. In light of this information, the NMC came to a decision that CBT's completed at Yunnik at this time were not reliable and affected candidates were notified in May 2023.

Ms Khan submitted that you state your results were fast because of the fuel scarcity affecting the generator. She submitted that you resat your CBT in the UK and passed under normal conditions and accept the discrepancies between the two test results, but you rely on this to show your competence. Ms Khan submitted this account is implausible because there is no direct evidence to support your claim that generator issues caused your fast times. She submitted that despite the letters and testimonials, there is nothing in your results to suggest you are an exceptional candidate. Therefore, the speed at which you completed the test is incompatible with the legitimacy of the test.

Mr Dickens, on your behalf, submitted that you completed the legacy test in 2021, and then two CBT tests on 27 January 2023 and 18 October 2023. He submitted that you provide evidence in your witness statement and documents that you rushed your CBT on 27 January 2023, particularly the second half (the clinical section) because you were concerned about the widespread fuel shortage in Nigeria and the levels of fuel in the test centre.

Mr Dickens submitted that this is not a case where the panel should consider if you are a worldclass genius and exceptional test taker who has completed the test in a short period of time. He submitted that notwithstanding your rushed time, there are others around the world who are doing the test in a similar limited time. Mr Dickens submitted that whether

this account is accepted is down to the panel and for Ms Khan to challenge. He further invited the panel to see you as someone with good character, diligent and competent given the number of positive testimonials and documents.

### **Your evidence**

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

You told the panel that you came from a neighbouring state and arrived to the centre early to avoid traffic. You submitted that you saw queues at the petrol stations on your way and you paid double for your fare to the centre due to the fuel shortages. Your exam was booked at 12:30pm and you got there at around 10am and you were allowed to sit the exam slightly earlier. You said you completed the questions fast because of the external factors, namely the fuel scarcity. You said the computers were powered by a generator and you were told by a lady in the centre that the fuel in the generator was low and this prompted you to complete the test fast.

You said Yunnik was not the closest test centre to you. You told the panel that Akure is closer to you. However, you opted to go to Yunnik because you previously sat your legacy test there and were familiar with the centre. You told the panel it takes an hour and a half to get to Akure and one hour and forty-five minutes to get to Yunnik. In relation to the fuel concerns, you said you took the lady's word for it and did not question it. You said you took your time in the numeracy test because you did not want to miss anything and you were aware that you needed to score 13/15 questions to pass. You explained you completed the clinical test more quickly because of your concerns about the fuel shortages. You stated that you had good knowledge and had prepared comprehensively from when you sat the legacy test in 2021 and therefore, it was easy for you to complete the test quickly despite the external factors. You did not consider doing the test on another day because you had to follow the cancellation policy which required 24 hours' notice.

In relation to your resit, you accepted that your time for the clinical test is significantly longer than your clinical test at Yunnik. You said that you took your time because there were no external circumstances, including the threats of the lights going off. You told the

panel that you are not a fraudulent person. When asked about your grades, you told the panel you are not an exceptional candidate but a competent one.

You described yourself as a nurse with fourteen years of experience, including eight years as a bed side nurse and four years as a Nephrology nurse.

You said you made the decision to move to the UK in 2021 and this was prompted by your Malaysian tutor. You told the panel you had no pressure on your side to pass because you sat it in 2021. You affirm that you did not use a proxy tester and have passed your English test without it. You said you joined a Telegram WhatsApp group in 2021 to revise and found out in 2022 that the NMC no longer used the legacy exam. You began revising for the test in October 2022 and went back to the group and used Google to revise questions. You referred to the WhatsApp messages regarding your legacy test in 2021, however, you were not able to provide the messages from the 2022-2023 period because your phone was broken. You said that you sat the exam on a public holiday and referred to your rota as evidence.

In response to questions about why another candidate sat the exam after you if there was a fuel shortage, you said you cannot speak for the other candidate after you. You said your results were fast because of the information that was relayed to you. You provided the panel with a newspaper article evidencing the widespread fuel scarcity in Nigeria.

The panel accepted the advice of the legal assessor.

### **Panel's decision**

In making its decision, the panel first considered whether it had sufficient evidence before it to substantiate the NMC's case that there was widespread fraud occurring at the Yunnik Centre.

The panel considered whether there was any potential for cultural or racial bias in the analyses, but considered that the steps taken to present the data against the data for the rest of Nigeria would eliminate this.



The panel had sight of Witness 4's evidence, including his original report which detailed when the suspected fraud was first brought to Pearson Vue's attention. The panel noted that the Witness 4's statement highlights that the suspected fraud occurred between 15 March 2019 and 31 March 2023, indicates '*a specific pattern of probable fraudulent behaviour with proficient proxy testing, that is not present in any other test centre in Nigeria*'. The panel also noted that Witness 4 confirmed that there was no evidence of hacking, malfunctioning or power failure that could have affected the data.

The panel next took into account the independent expert report that the NMC commissioned from Witness 5. It had particular regard to the 'histoplots' and charts which provide evidence for the time distribution curves for Yunnik, the rest of Nigeria (excluding Yunnik) and globally (excluding Yunnik).

The panel also considered Witness 1, Witness 2 and Witness 3 statements which made reference to the use of proxies within the centre. Despite the statements being hearsay, the panel concluded that the evidence provides contextual evidence as to the suspected fraud in Yunnik.

Considering all this information, the panel was satisfied, on the balance of probabilities, that there is sufficient evidence to support the claim that widespread fraud occurred at Yunnik.

The panel next considered whether it is more likely than not that you obtained your CBT result at Yunnik fraudulently. The panel first took into account the time you took to complete your CBT exam:

- Numeracy: 18.70 Minutes (Time allocated for test: 30 minutes).
- Clinical: 16.62 Minutes (Time allocated for test: 150 minutes).

The panel was of the view that your numeracy time was not a significant outlier, therefore, the panel did not go on to consider whether you achieved this with the assistance of a proxy. The panel examined the time you took to complete the clinical test and concluded that such a time was exceptionally quick, improbable and may indicate the use of a proxy tester.

The panel further noted Witness 4's independent analysis which stated that only seven people globally (excluding Yunnik), three people (Nigeria excluding Yunnik) passed the clinical exam in 17 minutes or less, while 602 candidates in Yunnik passed the exam in this time or less. The odds of you achieving the time you did is 1 in 8068, a time which is above the threshold of 1:2500 set by the NMC. The panel also noted that the data provided by Witness 4 showed there were four other candidates with exceptionally fast test times on the same day that you took the test at the centre. The panel concluded that having a total of five exceptional candidates all achieving such quick test times on the same day was statistically unlikely and indicative of candidates using proficient proxy testers.

The panel next took into your account your submissions, namely that you picked Yunnik because you were familiar with the location. The panel noted that although it was not your nearest centre, it was sufficiently close to your home address. The panel further acknowledged that you passed your subsequent CBT in the UK under normal conditions (54 minutes) and your timings for your legacy CBT (131 minutes).

The panel also considered the following evidence you provided when making its decision:

- Your Curriculum Vitae.
- Exam Practice Materials.
- Professional and Personal Exam Times.
- Communication with Third Parties around Booking the tests.
- Media Coverage of National Power Shortages.
- Payment receipt for CBT exams.
- Positive Testimonials

The panel next considered whether it was plausible that you were fast on your timings for the clinical test because of the fuel shortages. In doing so, it took into account the newspaper article and your submissions. The panel noted that you said you are not an exceptional student and the pressure of the fuel shortage made you complete the clinical test quickly. However, the panel concluded that your account was inconsistent with the timings of the numerical test, which was not rushed. The panel also determined the

pressure of a potential power outage may increase the speed taken to complete the test but was unlikely to account for such an exceptional time.

Taking all of the above into account the panel was not persuaded that you have provided a plausible account to explain your exceptionally fast time achieved at Yunnik on 27 January 2023 and consequently, find that it is more likely than not that you achieved your test result at Yunnik by fraudulent means.

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.

In view of the panel's decision that you have achieved your CBT result on 27 January 2023 fraudulently, the panel considered that such conduct is dishonest. The panel had regard to your work history and testimonials, but considered that this does not outweigh your attempt to mislead the NMC Registrar when applying for your registration. Consequently, the panel could not be satisfied that you meet the character requirements for admission to the NMC register.

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 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.