

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Wednesday, 30 July 2025 – Thursday, 31 July 2025**

Virtual Hearing

Name of Appellant:	Mary Edes Osinde
Type of case:	Registration appeal
Panel members:	Angela Williams (Chair, lay member) Suzie Adam (Registrant member) Eleanor Harding (Lay member)
Legal Assessor:	Karen Rea
Hearings Coordinator:	Hanifah Choudhury
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Mrs Osinde:	Present and represented by Harry Dickens, instructed by Royal College of Nursing (RCN)
Decision:	Appeal dismissed

Decision and reasons

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

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

Background

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

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

The NMC next asked an independent data analytics expert of OAC Limited (OAC), Witness 2, 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 was likely to 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 undertaken on 4 August 2022 at the Yunnik centre in the following times:

- Numeracy: 6.08 Minutes (Time allocated for test: 30 minutes).
- Clinical: 10.23 Minutes (Time allocated for test: 150 minutes).

The NMC evidence demonstrated that the odds of you completing your numeracy test in 6.08 minutes was 1 in 1117.75 and the odds of you completing your clinical test in 10.23 minutes was less likely than 1 in 56,478. You were one of the only candidates globally to achieve these odds of less than 1 in 56,478 for your test time in the clinical test.

On the day you sat your CBT at Yunnik, 4 August 2022, five other candidates took the CBT, three of whom also achieved exceptional test times.

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

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

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

From the NMC:

- Your completed application
- The 'evidence bundle' consisting of:
- Expert report by Witness 2, Head of Data Analytics at OAC

- Witness statement of Witness 1, Director of Information Security and Security Services at Pearson VUE
- Witness statement of Witness 3, Executive Director of Professional Practice at the NMC

From you:

- Your email dated 23 November 2023 which included your statement

In the letter from the Assistant Registrar, dated 5 December 2023, they said:

'I noted from your statement that you say that were not aware of the fraud occurring at the Yunnik test centre and that you sat the test in person. You also say that the fact that you successfully passed a new CBT shows that there was no need to seek assistance from anyone to help you pass the test you sat at Yunnik.'

Although you've passed the new CBT, you haven't explained to me how you say you could have achieved your test result from Yunnik in the very quick time that it took you to.

I've considered your response, alongside the Registrar's concern with regards to the time in which you achieved your CBT test result at Yunnik, and I'm satisfied that I've not been presented with anything that changes the conclusion that it was more likely than not that you obtained your CBT test result fraudulently.

Because of this, I consider that you don't meet the character requirements to be considered capable of safe and effective practice.'

On 5 December 2023, you were informed that the Assistant Registrar had refused your application onto the register. You appealed this decision on 29 December 2023, within the 28 day time limit.

Opening Submissions

Ms Khan, on behalf of the NMC, provided the panel with a background and chronology to the case and referred it to the relevant parts of the NMC bundle.

Ms Khan submitted that your completion time for the CBT is statistically implausible and that there was a pattern of fraud that took place on the day you sat your CBT. She submitted that you benefited from an unregulated environment which others also exploited. She also submitted that your clinical skills and previous academic achievements do not account for the extreme outlier of your test results.

Ms Khan invited the panel to dismiss your appeal and uphold the decision of the Assistant Registrar. She submitted that by allowing you onto the register, it diminishes the validity of the register and raises public protection and public interest concerns.

Mr Dickens submitted that the NMC should have done more in providing the panel with a true and honest reflection on what took place at Yunnik. He submitted that neither the NMC nor Witness 2 had visited Yunnik and that the evidence provided by Witness 2 has come from data provided to him by the NMC via Pearson Vue. He also submitted that the NMC has not provided an account from someone who has investigated what took place at Yunnik and that conclusions have been made based on third-hand reports.

Mr Dickens submitted that you went to Yunnik and completed your CBT legitimately.

Evidence

The panel took account of all of the written evidence and witness statements from the following witnesses on behalf of the NMC:

- Witness 1: Director of Information Security and Security Services at Pearson VUE.
- Witness 2: An independent Data Analyst who provided the NMC with an analysis

of the data provided by Pearson VUE.

- Witness 3: Employed by the NMC as the Executive Director of Professional Practice.
- Witness 4: Band 5 nurse in the UK who provided her experience sitting an exam at the Yunnik centre;
- Witness 5: Band 4 Pre-registration nurse in the UK who provided her experience sitting an exam at the Yunnik centre.

The panel also took account of your witness statement dated 28 July 2025 and the bundle of documents you provided which included your nursing certificates and exam results, testimonials, your CV, your TB test certificate, bank statements and confirmation of your payment for the CBT.

Your oral evidence

You gave evidence under affirmation.

You told the panel that you contacted Yunnik directly to book your CBT as this was your first time booking it and there was also a rule in place in Nigeria at the time that you could not use your bank card to pay and book an international exam. You said that you contacted Yunnik and spoke to a man named 'Mr Taiwo' who booked the exam for you and you paid him via bank transfer into his own bank account and you subsequently received confirmation of your CBT booking and payment from Pearson Vue in an email dated 27 July 2022.

You told the panel that you first booked a tuberculosis (TB) test, required by the NMC, in Lagos for 5 August 2022. You said that you decided to book to sit your CBT around that time so you would not have to travel multiple times. You said that the only test centre that had availability on the date you wanted was Yunnik. You told the panel that you lived in Edo State and that there were no test centres where you lived. You also said that Ibadan was a four-six hour journey from Edo State. You also said that there had been an insurgency in Nigeria. When asked why you booked your TB test before sitting your CBT, you said you were sure you would pass the CBT as you had prepared extensively for it.

You told the panel that on 3 August 2022 you took a bus from Edo State to the Benin Bypass and you then took another bus from there to Ibadan. When you got to Ibadan after this four-six hour journey you located a hotel close to Yunnik and stayed there for the night. You said that after you sat your CBT on 4 August 2022 you travelled to Lagos immediately, taking the one-two hour bus journey, and stayed at your sister's house before attending your TB test the following day and then returning back home.

You told the panel that on 4 August 2022 you arrived at Yunnik at 07:30 and were booked to take your test at 08:00. You initially told the panel that there were no issues with your exam and everything '*ran smoothly*'. You later explained that there were technical issues getting the system ready by Mr Taiwo and you confirmed you started your test at 11:25. You also said that, whilst you were waiting to sit your CBT, you did not speak to any of the people who were also waiting to take their CBT.

You told the panel that you practiced as a nurse and/or midwife for 10 years in Nigeria. You told the panel that you grew up in a family of nurses and that you would discuss opportunities to advance your nursing career. You said that you heard, in a seminar, a nurse speaking about her experience of working in the UK and decided that this was something you wanted to do for yourself.

You told the panel that you had been preparing for two years to take the CBT. You said that, due to your extensive preparation, you had already seen the questions that were in your CBT and so were able to answer them quickly. You said that you did not check your answers as you knew they were correct and that you only checked to see if you had missed out any questions. You said that you wanted to leave Ibadan as soon as possible

as the route from Ibadan to Lagos was where a lot of kidnapping took place. You also told the panel that, at that time, you had recently lost a friend who was travelling on the very same route you took.

You told the panel that you are currently working in the UK as a Healthcare Assistant. You said that you are living here with your husband and three children. You said that these proceedings have had a profound impact on you and that you wish to return to your role as a nurse.

It was put to you by Ms Khan that your nursing academic records did not indicate that you were an exceptional student, and that you had received mixed results, some quite high and some quite low. You did not accept this and you maintained that you are an exceptional nurse.

Closing submissions

Having heard your oral evidence, Ms Khan submitted that during your registration process and this appeal, you have continually failed to demonstrate the sufficient good character that is required to allow a person entry onto the register.

Ms Khan submitted that your initial application was based on results that are unreliable, implausible and overwhelmingly indicative of fraud. She submitted that the evidence before the panel remains unchallenged as there is no alternative account from you nor any contradictions in the documents.

Referring to the NMC Code of Conduct, Ms Khan submitted that your actions and lack of remediation are incompatible with the Code. She submitted that obtaining a fraudulent CBT as a pathway to joining the register falls well below the standards expected of a prospective nurse.

Ms Khan submitted that, in light of your fraudulent actions and lack of sufficient insight, the panel should dismiss your appeal in order to maintain the integrity and validity of the register.

Mr Dickens reminded the panel that the NMC must prove the fraud on the balance of probabilities.

Mr Dickens submitted that you are a nurse of good character and standing throughout your career with a strong academic and professional record.

Mr Dickens submitted that much of what is being questioned by the NMC in relation to Yunnik took place when you were not present at Yunnik. He submitted that you cannot be held accountable for any events or actions that took place in your absence and that the responsibility falls on the NMC and Pearson Vue in managing the test centres.

Mr Dickens submitted that questions have arisen about the practices that took place at Yunnik, including the use of biometrics and CCTV. He submitted that these issues are the concern of the NMC and Pearson Vue rather than you.

Mr Dickens submitted that no expert evidence has been provided by the NMC to disprove your account of what took place when you sat your CBT on 4 August 2022. He also submitted that Witness 2's analysis does not consider individual candidate performance or character.

Mr Dickens submitted that the panel can be satisfied that you are capable of practising safely and effectively as a nurse and that you are someone of good character. He invited the panel to reconsider the decision of the Assistant Registrar and to allow your appeal.

Panel's decision

In making its decision, the panel first considered whether there was sufficient evidence from the NMC to prove its case that there was widespread fraud occurring at the Yunnik centre. The panel had sight of statements and analysis provided by Witness 1. It had sight of Witness 2's data analysis, including diagrams which evidence the times taken by candidates globally to complete CBT, including other test centres in Nigeria, compared to the times achieved at the Yunnik centre.

The panel also took into account Witness 3's statement, which included admissions by 16 candidates who described proxy test takers at the Yunnik centre.

The panel also considered the witness statements of both Witness 4 and Witness 5. It noted that Witness 4 accepts that she used a proxy as she felt pressured to do so. Witness 5's experience was different as she stated she did not use the proxy at the test centre. However, she stated that she was being shouted at with answers, threatened and felt pressured. The panel considered that both witness statements provided some contextual background as to fraudulent activity occurring at the Yunnik test centre on the dates they attended.

The panel took into account the Statement of Agreed Facts in relation to this evidence.

The panel noted that the NMC evidence was all hearsay evidence that had not been tested by questioning. However, the panel noted that the Agreed Statement of Facts document set out the basis upon which the NMC evidence for fraud had been obtained. Those facts were agreed with respect to all of the NMC witnesses. None were required by you to be called for cross examination and the panel took that into consideration in assessing what weight to attach to the NMC evidence.

The panel concluded that the agreed position with respect to the NMC evidence was helpful and that position aligned with the panel's view that the NMC hearsay evidence was sound and based upon considerable research and analysis, including the NMC's use of the information within the witness statements of Witnesses 4 and 5.

In the panel's judgement, overall, the NMC evidence was evidence that provided the foundation for the facts behind the frauds discovered and, in particular, helped the NMC to demonstrate your alleged role within the fraudulent matrix that had taken place at the Yunnik Centre.

In light of the above the panel was satisfied that the NMC had satisfied its evidential burden that proxy testing was taking place at the test Centre.

The panel went on to determine whether the NMC could prove on the balance of probabilities that you had obtained your CBT results through fraud. It bore in mind the speed in which you completed the Clinical test on the CBT at Yunnik, which was 10.23 minutes to answer 100 questions, was the key factor. The panel acknowledged there was

no direct witness evidence, for instance from anyone at the Yunnik centre that day confirming you had used a proxy test taker to obtain a fast time. The panel therefore considered other available evidence before it to determine whether it was more likely than not you had obtained your CBT result through fraudulent means.

The panel took account of the evidence you provided.

You told the panel that you had prepared extensively for your CBT for two years, including using online resources and example CBT questions. The panel acknowledged your evidence regarding your preparation before your CBT and had sight of sample CBT questions provided to the panel. The panel considered that this could have assisted with your preparation and improve your score and speed. However, the panel was told that these materials are available online for all candidates globally and there was therefore no advantage to Yunnik centre test takers including yourself.

The panel took into account the statistical evidence that a high percentage of tests taken at the Yunnik centre were exceptionally fast. The panel also took into account that there were five other test takers on the same day you took the test, three of whom also had concerning test time speeds. Your CBT, along with the three other candidates with exceptional test times, were sat one after another with start times between 11:25 and 12:05. When asked by the panel, you were unable to indicate the number of people you saw in the centre, the times that they entered and left and the panel found you were somewhat vague in your answer around this.

The panel took into account that the data before it showed no one achieved a test time of 11 minutes or under globally, other than 388 candidates at Yunnik, of which you were one. The panel had regard to the evidence of Witness 2 and noted that when compared against the global benchmark, the odds of you achieving your pass in the clinical test were less likely than 1 in 56,478. The panel considered from all your evidence, written and oral, if there were any other alternative, innocent, careless or negligent explanations for this and could not find any.

The panel further took into account your previous academic test results. It noted that you received mixed results, ranging from A's to C's. The panel concluded that there was insufficient evidence before it to adduce that you were an exceptional test taker.

You told the panel that you disagreed with the times provided by Witness 1 and Witness 2. However, when asked by the panel, you were unable to provide it with an answer on how long you took on the test. The panel found that you did not provide a plausible explanation for your fast test time. The panel also considered that, given your evidence of the preparation you undertook and the pressure you were under to pass the CBT, you did not take your time when completing the test to ensure you got the answers right.

You told the panel that you chose Yunnik as that was the only available test centre on that date so that you could then attend your TB test that you had already booked prior to booking the CBT. You also told the panel that this route you chose to take to Yunnik was dangerous as there was insurgency and you had recently lost a friend who had taken this route. The panel was not persuaded by your explanation of your choice of using the Yunnik centre or why you had booked your TB test before your CBT.

The panel acknowledged the positive testimonials you provided to it, including from the Ward Manager at Royal Bolton Hospital NHS Foundation Trust where you are currently employed as a Healthcare Assistant. The panel also acknowledged that you had practised as a nurse in Nigeria for over eight years, working in a number of different areas including midwifery.

The panel concluded that you were unable to provide any reasonable and cogent explanations as to how you achieved such exceptional speed in completing your CBT without fraudulent means.

Therefore, in the panel's judgment, for the reasons set out, it determined that you booked and attended at the Yunnik centre on 4 August 2022, believing that a proxy tester would take your CBT and this is what occurred. In the panel's judgement, this was your genuine belief for the reasons set out. Furthermore, the panel also determined that ordinary decent people, having heard your explanations, would also conclude that you were dishonest and had fraudulently taken your CBT by proxy.

In light of the above the panel was satisfied that, on the balance of probabilities, it was more likely than not that your CBT test results obtained at the test centre had been obtained through fraud.

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, principally that you are capable of safe and effective practice. This is underpinned by the NMC Code of Conduct at 20.2: *'You must act with honesty and integrity at all times.'* In the panel's judgement fraudulent conduct is incompatible with UK registration as a nurse on the grounds of public protection and in the wider public interest.

In light of the panel's findings, in relation to you obtaining the test result fraudulently, it determined that you have not proved on the balance of probabilities that you meet the good character requirements for admission to the register.

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.