

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Wednesday, 18 June 2025 – Thursday, 19 June 2025**

Virtual Hearing

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| Name of Appellant: | Esther Onyinyechi Osuji |
| PRN: | 1021861033 |
| Type of case: | Registrations appeal |
| Panel members: | Amy Barron (Chair, Lay member) Judith Shevlin (Registrant member) Julian Graville (Lay member) |
| Legal Assessor: | Nigel Ingram |
| Hearings Coordinator: | Zahra Khan |
| Nursing and Midwifery Council: | Represented by Uzma Khan, Case Presenter |
| Ms Osuji: | Present and represented by Victoria Thomas, 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 appealed the decision of the Assistant Registrar, dated 23 April 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 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), namely 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 in the following time(s):

- Numeracy: 4.95 Minutes (Time allocated for test: 30 minutes).
- Clinical: 19.95 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 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:

- 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;
- Your statement;
- Submissions from your representative at ERRAS; and
- Employer reference.

It is your case that you chose to sit your CBT at Yunnik in Ibadan as that test centre had availability and was safe to travel to; that you prepared thoroughly for the test; that nothing out of the ordinary occurred on the day that you sat the test; and that you sat the exam without assistance.

The Assistant Registrar considered your explanation. The Assistant Registrar found that, by passing the required tests, you demonstrated that you meet the standard of proficiency required for NMC registration. However, in their view, this did not explain how you were able to obtain your test result from Yunnik in the time you did when comparing it against times taken by candidates 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 14 December 2023, you were informed that the Assistant Registrar had refused your application onto the register. You made a second application to the register, and you provided the following documentation in support of that application:

- Your completed application;
- Assistant Registrar's letter to you dated 14 December 2023;
- 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;
- Witness statements of Registrant A (Witness 1) and Registrant B (Witness 2);
- Other test activity at Yunnik on the date you sat your test;
- Your account about what happened at Yunnik;
- Your letter of reflections; and
- Character references.

A letter setting out that your application would need to be considered by an Assistant Registrar was sent to you on 20 March 2024.

When considering your second application to the register, the Assistant Registrar took into account the previous Assistant Registrar's decision along with the additional documentation you provided in support of your second application to the register.

However, the Assistant Registrar found that they had not been presented with any new information that changes the conclusion that it was more likely than not that you obtained your CBT test result fraudulently.

On 23 April 2024, you were informed that the Assistant Registrar had refused your second application onto the register.

You appealed the decision on 15 May 2024, 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, and certificates;
- Your witness statement dated 17 June 2025;
- Practice materials that you used in preparation for your exams; and
- Screenshots of some news publications on the insecurity situation in Enugu Nigeria.

The panel also took account of your live evidence given under oath. You denied any involvement in the alleged fraudulent activity concerning the CBT test undertaken at the Yunnik Test Centre. You said that you cannot comment on whether fraud occurred more broadly at Yunnik, as alleged by the NMC, and are only able to speak to your own experience.

Although the NMC alleges that you completed Part A of the CBT in 4.95 minutes and Part B in 19.95 minutes, you said that you have no independent way of verifying the accuracy of those timings. You said that you were not paying attention to the time on the day of your test but recall finishing early and found the CBT 'easy' due to your extensive preparation and experience. In preparation, you said that you enrolled in IELTS classes, practised CBT questions using Pearson VUE resources, joined online study groups, and

downloaded study materials. You also sought advice from colleagues who had already relocated to the UK and followed a self-directed study plan with various resources. You chose the Yunnik Test Centre as there were no CBT centres available in your city, state, or nearby regions. You said that due to political violence and killings in South East Nigeria, you intentionally chose to travel to a calmer location, Ibadan, where your sister resides, to ensure your personal safety and reduce accommodation costs.

You confirmed that you booked the CBT exam directly with Yunnik via their listed phone number and paid the equivalent of around £83. You said that, upon arrival, you were processed by a man who checked your ID, took your photograph, and directed you to a computer to start the test. You did not observe any other individuals present at the centre.

You said that you value fair and transparent examination processes and believe that your own CBT exam was conducted appropriately. The accusation of fraud has led to an incorrect and damaging interpretation of your character, which you strongly refute. You also indicated that you had no reason to rely on a proxy tester, given the extensive preparation you undertook and your consistent success in passing professional examinations.

Submissions

Ms Khan, 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 Khan 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 Khan 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 Khan submitted that the NMC's evidence, including rapid 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 Khan referred the panel to Witness 5's analysis of your test times and submitted that your times were exceptionally fast. Ms Khan highlighted that your time for the clinical part of the test was faster than any achieved by any of the 65,478 candidates who sat the test globally (excluding Yunnik). Ms Khan further highlighted that you achieved high test scores of 100% in the numeracy part (Part A) and 83% in the clinical part (Part B). She submitted that it was highly improbable that you completed the CBT without the assistance of a proficient proxy test-taker.

Ms Khan 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, as well as common sense, that clever and competent people can cheat and there are numerous reasons why people may cheat.

Ms Khan 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, effort and money to prepare for the test. She submitted that the passing of the CBT was important for you 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 Khan submitted that nothing outweighed the compelling evidence that you obtained your CBT result through fraud.

Ms Khan drew the panel's attention to the same day evidence and two other examples of quick test times but accepted that there was no evidence to suggest that any of the other candidates who took their CBT at Yunnik on the same day as you used a proxy. Ms Khan,

nonetheless, invited the panel to find that there was generic fraud at Yunnik and that it was more likely than not that you used a proxy test-taker, such that the CBT you provided as part of your application to enter the NMC register was obtained fraudulently.

Ms Thomas, on your behalf, accepted that there was evidence of some wrongdoing at Yunnik. She submitted, however, that the NMC's evidence did not look at the specifics relating to any of the candidates who sat the exam in any particular detail. Ms Thomas submitted that falling above a benchmark did not automatically mean that a candidate used a proxy in their CBT.

Ms Thomas asked the panel to consider the data on the other candidates who took their CBTs on the same day as you. She submitted that, based on their test times, there was positive evidence that there was no proxy in attendance at Yunnik that day. She also highlighted the scheduled start times of each candidates' exam; three hours apart from each other to allow for the maximum time of the CBT, so there was no evidence that on that day, the owner of the centre was "*cramming in*" tests in the knowledge that with the use of a proxy, they could gain more income.

Ms Thomas submitted that the panel could be satisfied that your thorough preparation, which included you paying for and completing a course, 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. She submitted that your evidence was compelling and highlighted your assertion that you would not have trusted a proxy to take your test for you when you did not know what skills or knowledge they had. Ms Thomas submitted that the use of a proxy for your CBT would not have made sense in light of the evidence you had given the panel.

Ms Thomas asked the panel to consider the testimonials relating to your character, and whether you are someone who would cheat or bow to pressure given all that you had done to prepare. She submitted that the NMC has not provided any evidence contrary to those positive testimonials and references and that the NMC simply rely on this statistical presumption. Ms Thomas submitted that the NMC has no direct evidence that there is any question about your integrity.

In relation to your test time for the numeracy part of the CBT, Ms Thomas submitted that there had been no detail or analysis provided on the people in the world who had been able to achieve fast test times and the preparation they might have undertaken or their qualifications and experience, and how it set them apart from the population.

Ms Thomas submitted that it was also not unusual for a candidate to not check over their answers in a test. She submitted that this was all down to the psychology of the individual and it was inappropriate to make comments about their exam behaviour.

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

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 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 had sight of the Pearson VUE data 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.

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 significant discrepancies.

The panel also noted the evidence provided by Witness 1 and Witness 2 alongside the further firsthand accounts summarised in the statement to Witness 3, which provided useful contextual information about the alleged use of proxy testers at 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 considered your evidence that Yunnik was the closest test centre to you and that you stayed with your sister in Ibadan to ensure your personal safety and reduce accommodation costs. The panel accepted your reasons for attending the Yunnik test centre.

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, 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 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: 19.95 minutes: Odds 1 in 4344.46.'

Evaluated Numeracy Timing: 4.95 minutes: Odds 1 in 5283.91'.

The panel noted that there were five other candidates who took the test at Yunnik on the same day as you, and two of them finished it in equivalent times. One of these test takers was immediately before you sat your exam, and one subsequently. The panel concluded the probability of three exceptional test takers in the same centre and on the same day is improbable and a strong indication of proxy testing.

The panel took into account your evidence that your extensive nursing experience and knowledge assisted you, and that you felt confident to take the CBT. The panel noted your consistent evidence that you prepared very thoroughly for your CBT, with various types of practice material, courses and discussions with other prospective test-takers. 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 might have been able to complete the test fast enough to meet the fraudulent concerns threshold. Further, the panel has seen evidence of your academic performance and although the certificates demonstrate that you hold professional 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 that you did not think about the time it took you to complete the test, that you found the test 'easy', and that you had no reason to stay at the centre after answering all of the questions on the test. 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. The panel also took into account that the NMC Guidance on test taking which reinforces the need to check and double check answers and your commitment to achieving a satisfactory CBT to move to the UK. The panel note the NMC submissions:

'In addition, extreme speed is a better indicator of fraud than a high test score. There is an incentive for an honest test-taker to get all their answers right. There is no obvious incentive for an honest test-taker to complete the exam in unnecessary haste (e.g. to complete a 30 minute exam in 5 minutes, or a 90

minute exam in less than 30 minutes), particularly if that would mean that they would not have had enough time to read the questions properly, let alone check the answers. By contrast, a dishonest test centre, trying to obtain as much income as possible, has an incentive to ensure tests are completed as fast as possible.'

The panel could accept 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, the panel was not satisfied, particularly in light of the 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 without 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 involvement 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.