

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday 08 July 2025 – Wednesday 09 July 2025**

Virtual Hearing

Name of Appellant:	Theresa Chinasa Osuji
Type of case:	Registrations appeal
Panel members:	Godfried Attafua (Chair, Registrant member) Nicola Harvey (Registrant member) Howard Millington (Lay member)
Legal Assessor:	Giovanna Palmiero
Hearings Coordinator:	Hazel Ahmet
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury, Case Presenter
Ms Osuji:	Present and represented by Catherine Collins (ISCOED Chambers)
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 August 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), (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 test(s) in the following time(s):

- Numeracy: 2.48 Minutes (Time allocated for test: 30 minutes).
- Clinical: 6.03 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:

From the NMC:

1. Your completed application
2. The 'evidence bundle' consisting of:
 - Expert report by Witness 4, Head of Data Analytics at OAC
 - Witness statement of Witness 5, Director of Information Security and Security Services at Pearson VUE
 - Witness statement of Witness 3, Executive Director of Professional Practice at the NMC
 - Witness statements of Registrant A and Registrant B
 - Other test activity at Yunnik on the date you sat your test

From you:

1. Your email dated 23 July 2024

2. Your email dated 29 July 2024

In your correspondence you stated that you would not jeopardize the integrity you built over many years in pursuing your nursing career. You said that Ibadan is like your second home and that your brother lives there. You also stated that you were at the right place at the wrong time. You stated that you were well prepared for the exam. You had said that you were unable to take your CBT on 22 October 2022 because Pearson VUE didn't allow anyone to write their exam that day – which you describe as a technical issue. You said that you called Pearson VUE several times and they were able to acknowledge and correct the issue by giving you a new test date for 14 November 2022. You said that at your new test date you were fully engrossed in doing your own test. You are unable to explain how you obtained a pass in such a short time and stated that you took the exam like any other exam.

You rely on having passed a resit CBT with *'flying colours'* as evidence of your resilience, honesty and integrity. You also made some comments regarding passing your professional exams in the first attempt including the OSCE.

The Assistant Registrar considered your explanation, and stated the following:

'I've considered the reasons you have given for why you chose to sit your CBT at the Yunnik test centre in Ibadan. I've had regard to the first witness statement of of Witness 5, which was sent to you in the bundle of evidence. I accept that booking behaviour is just one factor of concern that indicates that a pattern of fraud was likely taking place at Yunnik. You can read more about this and the other factors from paragraph 47 of the witness statement of Witness 5, which was included in the evidence bundle.

I considered what you said about your CBT being rescheduled from 22 October to 14 November as well as your comments about your quick test time. I note from your response that you are not suggesting that there were technical issues arising on the day you sat your CBT test on 14 November 2022. I'm satisfied that the NMC have undertaken reasonable enquires with Pearson VUE in this regard and that we have their assurance from the thorough and detailed

investigation they conducted, that there was no system error that could have produced the test result times. More information about the investigation Pearson VUE carried out can be found at paragraphs 43-48 of Witness 5 witness statement.

I considered your comments regarding the extensive preparation that you undertook for the CBT exam, and that it's because of this preparation that you achieved your pass in the time it took you. I accept that thorough preparation undertaken by any candidate may increase the likelihood that they would achieve a pass. However, I do not consider that even thorough preparation can explain the very quick test time seen in your test.

You've asked me to consider that having passed the new CBT and OSCE, it demonstrates that your CBT result from Yunnik was obtained honestly. By passing the new CBT and OSCE you've demonstrated that you meet the standard of proficiency required for NMC registration. However this doesn't 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.

Because of this, I'm not satisfied that I've been presented with anything in your case that changes the conclusion that it was more likely than not that you obtained your CBT test result from Yunnik fraudulently.

After carefully considering all information and evidence presented to me, I decided that you didn't meet the character requirements for registration. I consider that your conduct, would breach one of the fundamental requirements of our code:

- *Standard 20 - Promote professionalism and trust.*

To promote professionalism and trust, you're required to display a personal commitment to the standards of practice and behaviour set out in the Code. You should be a model of integrity and leadership for others to aspire to. This

should lead to trust and confidence in the professions from patients, people receiving care, other health and care professionals and the public.

I consider that obtaining a CBT fraudulently to join the NMC register, falls well below the standard expected, raises serious concerns about your trustworthiness and has the potential to undermine public confidence in the profession. For these reasons, I'm not satisfied that you meet the character requirements for registration and as such, I'm refusing your application to join the NMC register.'

Consequently, 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 5 August 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 30 August 2024, within the 28-day time limit.

NMC Submissions

Mrs Chowdhury outlined the background to the case.

Ms Chowdhury highlighted that Yunnik is located in Ibadan, a city in Nigeria, but is not the sole CBT centre in Ibadan. She noted that there were five other test centres based in Ibadan. Ms Chowdhury highlighted that, from March 2019 until the test centre was closed in March 2023, almost 2000 people obtained CBT results from the unique test centre. She noted, that of those 2000 people, over 700 sat their test in a time of concern to the NMC.

Ms Chowdhury submitted that Pearson VUE informed the NMC that they had identified data indicating unusual activity at Yunnik, namely, very low-test times coupled with high scores and concluded there was probably proxy fraud at the Yunnik centre.

Ms Chowdhury submitted that power outages could not explain the extraordinary test times as a power outage would simply freeze the exam. Furthermore, the panel should

note that Pearson VUE would have received a notification if there had been a power outage.

Ms Chowdhury submitted that you were completed the exam so fast that according to Witness 4's data, you were the fastest when compared globally.

Ms Chowdhury submitted that the panel is not required to consider whether the Assistant Register was correct in her assessment of your character and suitability for registration. The panel must consider this appeal entirely afresh and apply its own judgement, having heard the evidence and having heard from the appellant herself.

Appellant Submissions

Mrs Collins submitted on your behalf, that this appeal deals with one individual. She submitted that the panel must make an assessment of your character, your credibility and the circumstances in which you took your test; she noted that the evidence before the panel in relation to this is very limited.

Mrs Collins submitted that there is no evidence in relation to any of the other concerns that Witness 5 sets out in relation to you. Further, she submitted that, in relation to the proximity analysis, there is no assessment as to how far you travelled.

Ms Collins submitted that the NMC's case is predicated solely on the basis that this is a human being, taking this test. She submitted that, in considering that, if a human can physically obtain such test timings, then you would be able to achieve this due to your confidence and ability, given your practice as a nurse.

Mrs Collins highlighted that the observation of Witness 5 is purely quantitative and does not a qualitative assessment. Therefore, his findings do not look at any of the reasonings as to why, an appellant may have obtained such a quick timing.

Mrs Collins submitted that the panel have been provided by the NMC with a lot of hearsay evidence; particularly the witness statements of Witness 1 and Witness 2.

Mrs Collins noted that you are a person of sufficient good character, which is something which must be considered when assessing the credibility of your evidence. She noted that you have stated that you would not be willing to risk your reputation, and that your exam result was solely the product of your own work.

Mrs Collins invited the panel to allow your appeal.

The panel accepted the advice of the legal assessor.

You decided to give evidence under oath.

NMC closing submissions

Ms Chowdhury acknowledged that the burden of proof rests on the NMC, to prove whether it was more likely than not that your test result was obtained through fraud.

Ms Chowdhury submitted that the panel have before it evidence from Witness 5' regarding the accuracy and integrity of the raw data. The panel also have before it the Witness 4 data analysis. Ms Chowdhury also referenced the hearsay evidence of Witness 1 and 2, who provided eyewitness evidence to corroborate the assessment from the statistical experts who state that a proxy test taker was used at Yunnik. The evidence of these witnesses also illustrate how unlikely it was that your test times could have been achieved without some form of cheating. Ms Chowdhury noted that you said that you did not keep track of the time whilst taking the CBT and ultimately submitted that it is improbable that any honest test taker would complete the CBT test as quickly as you did.

Ms Chowdhury submitted that your CBT test results from November 2022 is very similar to the candidates who sat the exams on the same day as you did, and also achieved fast times, all of which fall into the pattern where the NMC says a proxy tester was used. The NMC are of the view that you had rescheduled your CBT exam in order to undertake it on a day when a proxy would be available at Yunnik; specifically, 14 November 2022.

Ms Chowdhury submitted that, if the panel are to find that the CBT test result from November 2022 was obtained through fraud, then it should dismiss this appeal.

Appellant's closing submissions

Mrs Collins submitted that the NMC have not satisfied the burden of proof in this case, and that it has not established that you yourself have been guilty of whatever had occurred at the Yunnik centre.

Mrs Collins submitted that there is no eyewitness evidence to show that you used a proxy, nor is there CCTV evidence that established any sort of fraud.

Mrs Collins submitted that there is no analysis as to the distance you travelled in this case, and the panel will not find one piece of NMC evidence as to how this compares or contrasts with the evidence of any other individuals who have passed the exam. Mrs Collins submitted that your evidence has been consistent and credible, and your travelling to Ibadan was due to your previously planned travel to see your family. She noted that there are major gaps in any assertion or analysis that may look at proximity, as to a reason why you went to the Yunnik centre in Ibadan.

Mrs Collins submitted that the only threshold that the NMC have put forward as being indicative of a particular candidate falling within their level of concern, is one of speed.

Mrs Collins submitted that people approach exams in different ways and there is no evidence as to what an honest test taker does in any certain situation. She highlighted that you were and are familiar with the way questions in the CBT exam are set out, and what structure the exam holds.

Mrs Collins submitted that the panel could trust your evidence when you explain that, the reason you were able to be decisive and confident in your answers, was due to your level of preparation and practice.

Mrs Collins submitted that the panel should consider the number of testimonials before it which speak of your abilities to practice safely, kindly and effectively as a nurse. She further noted your large number of years practicing as a nurse with an unblemished career.

Mrs Collins submitted that your appeal should be accepted.

Panel's decision

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

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

"Evaluated Clinical Timing: 6.03 minutes: Odds less likely than 1 in 56,478

Evaluated Numeracy Timing: 2.48, less likely than 1 in 58,123"

This analysis identifies that, as result of your test times, it is likely that you used a proxy tester at the Yunnik Centre.

The panel considered the evidence of Witness 5, who in his analysis had stated that there had been a potential fraud between the area of March 2019 and March 2023, his evidence indicates a patterns of suspicious behaviour which was unique to the Yunnik centre.

The panel considered the witness evidence of Witness 6 and Witness 3, both of whom work for the NMC. These two individuals referred to a number of persons who have come forward to make admissions that they in fact used a proxy to take the CBT test at Yunnik.

The panel then considered the evidence of Witness 1 and Witness 2, both registered nurses with the NMC. These two individuals gave a detailed account of their test experiences. The panel did note that their evidence was hearsay but also acknowledged that it provided background context to this case. The panel determined what weight to attach to these statements.

Finally, the panel considered the evidence of Witness 7, a Senior Nurse Education Advisor from the NMC, who had carried out a review of some of the practice CBT papers and commented on the quality of the papers.

The panel also had regard to the agreed statement of facts.

The Registrar determined that a probability threshold of 1:2500 was an appropriate marker and determined that the likelihood of a person completing a test in a time below this threshold was unlikely without a satisfactory alternative explanation. Applying this statistical threshold meant that for those individuals who sat the CBT in 2021, anyone who sat their numeracy test in minutes or under and/or clinical test in 21.5 minutes or under, the Registrar considered that this raised a prima facie case and that the result had been obtained fraudulently.

The panel considered Witness 5's analysis of your specific data, which provided the following odds of how achievable your test times were at Yunnik: Clinical Timing: 6.03 minutes: Odds less likely than 1 in 56,478 and Numeracy Timing: 2.48 minutes: Odds 1 in 58,123.

The panel noted that no candidates achieved similar speeds globally or in other centres in Nigeria for either the Clinical or Numeracy sections, however, in Yunnik, in the Clinical there were 93 candidates, and 56 in the Numeracy section.

The panel took note that achieving 100% in a numeracy test in 2.48 minutes implies an average of roughly 9.9 seconds per question, including reading and computation time, and for the clinical section, 3.6 seconds per question. You said in evidence that you did not 'buy' the assertion that you completed the tests within the times stipulated and that you believe it would have taken you one hour in total.

The panel noted that you have never, in all of your correspondence with the NMC thus far, disputed the fast timings alleged, in which you had completed both section A and section B of the CBT exam, until this hearing today.

The panel considered that according to the evidence from Witness 5, the Yunnik centre, on the date of your exam, did not experience a cyber-attack, was not compromised, and that there was nothing to suggest that the high-test scores and low-test times were caused by anything other than probable human interference.

The panel further noted that neither Witness 4 or Witness 5 were called to give evidence, nor did the panel have any other evidence before it to support your position in relation to the data nor did you have any evidence before it in support of your position in relation to reliability of data.

The panel took account of your evidence that you prepared adequately for months for your CBT by utilising practice materials on the Pearson VUE website. The panel noted that such practice materials were available globally, but it was only in the Yunnik centre that CBTs were taken at exceptionally fast times. Further, the panel accepted that you were an experienced nurse and had undertaken preparation. The panel acknowledged your evidence regarding your preparation before your CBT test however in the panel's judgement, your level of preparations and clinical experience does not sufficiently explain the exceptionally fast times you used in completing your CBT. Furthermore, there was insufficient evidence to demonstrate that you were an exceptional student and that you were proficient in taking exams to explain the fast times you took to complete the CBT. Additionally, given that these materials and method of preparation were available to candidates globally this did not provide a sufficient explanation as to the speed in which you completed your CBT at Yunnik.

The panel considered your clear submissions on how you got to Ibadan in Nigeria, why you went to that particular Yunnik centre and why your brother booked the exam on your behalf. It acknowledged that you stated that you were in Ibadan for annual leave and were due to reside there for one month. The panel acknowledged your reasoning for choosing this particular test centre and noted that it was not implausible; in conclusion, it accepted your submissions in relation to this.

The panel then noted your evidence in relation to the re-scheduling of the CBT exam and the chronology of the events. It determined that your explanation and submissions were in part unclear, confusing, and at times contradictory. The panel noted however that you did

remain consistent when stating that there were three computer desks in the Yunnik centre, even when you were questioned on it despite evidence before it is contradicting this.

The panel had regards to the table given by Witness 5 which showed other candidate activity at the testing centre on the same date. The Yunnik centre data relating to 14 November 2022 indicated that four other candidates who took the test at Yunnik on the same day as you finished their CBT exams at times that were considered of concern by the NMC. This satisfied the panel, that on the balance of probabilities proxy testers were operational at the centre on this day. It was highly unlikely that you did not use proxy testers when those candidates had used proxy testers on the day of the CBT. Given the history of fraud at the testing centre, it is very unlikely that five candidates, including you, sitting the exam, on the same day could complete it so rapidly without the use of a proxy.

The panel also noted that your evidence on the set up in the test of Yunnik centre, the persons present on the day of your CBT, and the chronology of events were unclear, confusing and potentially contradictory. The panel considered your explanation that you never took notice of anyone there on the day of the test though it is noted that a number of the candidates who had their tests rescheduled same as you also attended to take their test on the same day as you. The panel was of the view that such explanation seems implausible as it is reasonable to infer that any honest candidate would have noticed some of the same candidates they had previously met and briefly spoken to.

The panel considered how you were able to achieve such exceptionally fast test times at Yunnik. It concluded that the only reasonable explanation for your exceptionally fast completion was more likely than not that you obtained your test results fraudulently.

Finally, the panel went on to determine whether you meet the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character, in *particular* '*Factors that we take into account when considering character cases*', last updated on 5 September 2024. The panel was aware that it was for you to satisfy the panel that she met the character requirements for successful admission on the register.

The panel considered the good character references you have provided and have a positive professional standing as a nurse in Nigeria. However, the panel were of the view that on the balance of probabilities, you have been inconsistent and at times your responses have not been cogent or plausible.

The panel determined that ultimately, you are not of good character to a degree that would be deemed sufficient to be on the NMC register.

The panel noted that your performance was exceptional, and unlikely to have occurred without some form of assistance. Consequently, on the balance of probabilities, the panel were of the view that you did obtain your CBT exam result in a fraudulent manner.

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.