

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Monday 14 – Tuesday 15 July 2025**

Virtual Hearing

Name of Appellant:	Chioma Ozuruonye
PRN:	1022105077
Type of case:	Registrations appeal
Panel members:	Godfried Attafua (Chair, Registrant member) Kathryn Evans (Registrant member) Cheryl Hobson (Lay member)
Legal Assessor:	Hala Helmi
Hearings Coordinator:	Rebecka Selva
Nursing and Midwifery Council:	Represented by Uzma Khan, Case Presenter
Ms Ozuruonye:	Present and represented by Victoria Thomas, 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 19 August 2024, that you did not meet the character requirements for registration to the NMC register.

Background

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

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

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

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

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

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

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

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

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

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

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

On 3 August 2023 the NMC's Registrar decided to use as a benchmark the 1 in 2,500 percentile, in order to identify tests which were taken at such a speed that it is likely that the results had been fraudulently obtained (most likely utilising a proxy test taker). Applying this statistical threshold meant that for those individuals who sat CBT 2021, anyone who sat their Numeracy test in 5.5 minute or under and/or Clinical test in 21.5 minute or under, the Registrar considered this raised a prima facie case that the result had been obtained fraudulently.

Because of the evidence of widespread fraudulent activity at the Yunnik centre, the NMC was unable to be confident in any of the CBT results obtained at the testing centre. The Registrar therefore considered all CBT results obtained there to be invalid and that the safest, fairest, and most proportionate way to deal with this was to ask everyone who sat their CBT at the Yunnik centre, to take a new CBT. In the absence of a valid CBT an individual should not have been allowed entry to the NMC register.

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

- Numeracy: 6.23 Minutes (Time allocated for test: 30 minutes).
- Clinical: 18.85 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your clinical test with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your test within the times it took you to complete it. Taking into account the time in which your test was taken, in a centre in which the NMC allege there to have been widespread fraudulent activity, it was considered by the NMC to be more likely than not that your CBT result was obtained fraudulently.

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

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

On 19 August 2024, you were informed that the Assistant Registrar had refused your application onto the register.

You appealed the decision on 10 September 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, academic records and certificates;
- Your witness statement dated 14 July 2025; and
- Practice materials that you used in preparation for your exams.

In addition, you provided live oral evidence on oath.

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 outlined 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.

Ms Khan referred to Witness 1 and Witness 2's statements which corroborated the routine nature of proxy operations at Yunnik. She submitted that this is consistent with Witness 6's witness statement.

Ms Khan submitted that the NMC's evidence, including fast test times, high scores and admissions from other test takers, supported the conclusion that widespread fraud

occurred at Yunnik. She submitted that the method of fraud was irrelevant, but the key issue was whether the test result was dishonestly obtained.

Ms 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 one of the fastest achieved by any of the other candidates who sat the test globally (excluding Yunnik). She submitted that it was highly improbable that you completed the CBT without the assistance of a proficient proxy test-taker.

Ms Khan referred to the histograms within Witness 4's evidence and outlined that the statistical anomalies of the test times of Yunnik as opposed to globally, reinforce suspicions of non-standard behaviour. She submitted that this is evidence of proxies.

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, and effort to prepare for the test.

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

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

In response to panel questions, Ms Khan clarified that only your clinical test, Part B, is being brought into question.

Ms Thomas on your behalf submitted that there is no direct or indirect evidence of fraud by you or any other candidates who sat their tests on the same day as you on 4 July 2022.

Ms Thomas highlighted that the generic evidence is only statistical analysis, and this does not prove anything.

Ms Thomas submitted that there is no suspicious behaviour in why you chose to travel to sit your test at Yunnik as you chose to sit your resit exam even further away in Abuja.

Ms Thomas submitted that you were not the fastest in the world to sit the clinical part of the CBT.

Ms Thomas referred the panel to the limitations within Witness 5's evidence as set out in his analysis summary.

Ms Thomas outlined that the threshold the NMC has highlighted to be considered 'not fast' enough to be obtained through fraudulent means to be at 21.5 minutes - this is only 1.5 minutes faster than your test time for Part B. She submitted that there are numerous candidates who achieved faster times than you globally, excluding Yunnik.

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

You told the panel that you always wanted to travel abroad and progress in your nursing profession. You began researching into the NMC and registering in the UK in 2018.

You said that you wanted to complete your CBT as soon as you had finished with the IELTS in June 2022.

You accepted that the CBT was an important test for your career and that your visa would be negatively impacted if you did not pass this test.

You said that you checked the available centres and dates through both the NMC and Pearson VUE website.

You told the panel that your desired test centre would have been Enugu, which was closest to you, but it was unavailable for your desired test date. You said that you were on leave from work and intended to complete your CBT before you returned to work.

You clarified that you asked your brother to help you book the CBT in case you made a mistake. You were not aware of any other test centres in Ibadan. When your brother made the booking, he only showed you that Yunnik was available.

You told the panel that in 2022 you lived and worked in Owerri.

You said that you travelled from Owerri the day before to Ibadan, which is around 8 to 9 hours, on 3 July 2022, and once you completed your CBT you aimed to return to Owerri quickly as your friend was watching your two children and you did not have money to stay over a further night in Ibadan.

You accepted that you booked your CBT in a shorter time period, you believed it was possible to book a CBT within two weeks.

You denied any involvement in the alleged fraudulent activity concerning the CBT test undertaken at the Yunnik Test Centre.

You said that you began preparing for the CBT end of 2020 but in January 2022 you began '*seriously studying*'. You said that your preparation consisted of group chats, online classes and using practice materials via Pearson VUE resources. You told the panel that online classes were from around 8 or 9 am to 11am or 12 pm depending on how many people attended, but you could ask others to stay online and revise with you. You clarified that at this time you worked a 'split shift'. You accepted that you were working 10-hour days and could be revising up to 6 to 7 hours a day, but this could change frequently. You told the panel that when you practiced with the mock papers you always finished quickly.

You said that the CBT was an easy exam in comparison to the other tests you sat to achieve your nursing qualifications in Nigeria. You accepted that the nursing school results before the panel were not exceptional.

You said that, upon arrival at around 11:20am to the test centre, you were processed by a man who checked your ID and took your photograph in a side room. After this he walked

you into the test room where there was another woman sat at the other computer but because she was behind you, you did not see her or know if she was also a test candidate. When you finished your CBT and left you said that the other woman was still in the room.

You told the panel that you kept your belongings on a floor in another room that led to the toilets. You said that when you resat your CBT in Abuja you were given keys and a locker, but in Yunnik this was not the case.

You said that you were not paying attention to the time on the day of your test but recall that you found the CBT 'easy' due to your extensive preparation. You told the panel that you did not go back and review your test as you were sure of the answers. You said this had never been a habit for you to go over and check answers.

You clarified that you were able to get the bus home to Owerri after your test around 1pm. You had purchased the bus ticket the day before and the ticket was restricted to the bus scheduled for 1pm. The bus station was 10 to 15 minutes from the test centre.

You remembered that during your resit in Abuja there was poor network connection when taking the test.

You said that when you did your IELTS in June 2022 in Port Harcourt you had to wait around 2 weeks before you got your results.

In response to panel questions, you clarified that after you sat your CBT you had 3 job offers from 3 different Trusts in the UK.

You told the panel that when booking your resit, you had the help of another person as your brother was unavailable, and you would not have picked Abuja if any other closer test centres were available.

Ms Khan submitted that the passing of the CBT was important, yet by your evidence, you did not even go back to look through your answers after completing the test. She

submitted that this did not make sense, and it was not how honest test-takers complete exams.

Ms Khan submitted that it would make no sense as to why you would have the expectation that you could book your CBT so shortly after your IELTS unless it was guaranteed by Yunnik due to the availability of proxies.

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, that clever and competent people can cheat and there are numerous reasons why people may cheat.

Ms Khan invited the panel to dismiss the appeal and uphold the refusal of the Assistant Registrar based on the credible, consistent and compelling evidence that your CBT results were obtained through fraudulent means. She submitted that your results in question are deeply entangled with systemic malpractice at Yunnik that it cannot be safely relied upon as evidence that you are capable of safe and effective practice, or that you meet the character requirement for entry onto the register.

Ms Thomas submitted that the panel do not have evidence before it of the other candidates who sat their test on 4 July 2022, hence she requested that the panel do not speculate if they are indicative of the use of a proxy.

Ms Thomas submitted that you are not from Ibadan, and you do not know the area hence you would not know about the other test centres. She also submitted that you did not have the required type of bank account to book via Pearson VUE hence you paid directly to Yunnik.

Ms Thomas outlined the limitations in Witness 4's findings.

Ms Thomas submitted that not only did you revise thoroughly for the CBT, but you have over 15 years lived experience as a nurse. She reminded the panel that you were able to answer an example question submitted by Witness 6 in Exhibit 1 in 6 seconds, timed by

Ms Thomas during the hearing; hence she stated that the questions in the CBT are not difficult.

Ms Thomas referred to your testimonials which speak to your good character.

Ms Khan referred the panel to Witness 4's evidence in that any candidate must book by selecting the preferred test centre, date and time.

Ms Khan referred to Witness 1 and Witness 2's evidence that candidates were not to pay directly to Yunnik test centre.

Ms Thomas submitted that if a candidate paid directly to Yunnik that is not indicative of a proxy being used.

The panel accepted the advice of the legal assessor. The legal assessor advised that you are a person of good character in that you have no previous regulatory or other findings against you and that this must be taken into account when considering your credibility and propensity to act as alleged.

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 at the time you took your CBT. The panel found the evidence before it to be cogent and credible.

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

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

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

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

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

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

The panel also noted the evidence of Witness 4 detailing the pattern of proxy behaviour reported on days when the NMC have received admissions of fraudulent behaviour. The panel considered that the evidence of the witness statements of both Witness 1 and Witness 2, although hearsay in nature and not speaking of the day you took your test, provide contextual evidence that proxy activity was taking place at the Yunnik test centre and during the period in question. Again, the panel considered that these do not provide

direct evidence of the day you took your test at Yunnik but provide further contextual evidence to support the proposition of fraudulent activity at Yunnik. The panel also referred to Witness 6's statement that there were 14 other logged admissions of their experience of fraudulent activities and use of human proxies at the Yunnik test centre.

Therefore, on the balance of probabilities, the panel found that it was more likely than not that there was widespread fraudulent activity taking place at the Yunnik centre.

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

The panel considered your evidence that you chose Yunnik to sit your CBT as it was prompted to you when you entered your preferred test date on the booking website. The panel accepted that your explanation for attending Ibadan to take your test was plausible as Enugu was closer to you but was booked out, but you provided limited evidence as to why you chose Yunnik over any other centre in the Ibadan area that suited your preferred test date.

The panel considered that you initially stated both in live and written evidence that you booked the CBT via the NMC website and Pearson VUE website but later in live evidence you stated you did not handle the booking, your brother did, and he only showed you that Yunnik was available. The panel also considered that you said that you did not want to book the CBT yourself due to your difficulties of navigating IT, however, you sat the CBT which in itself is IT system based and completed the test in such a fast manner. The panel found your evidence in respect of this to be contradictory.

The panel considered that your oral evidence was inconsistent with the statement that you gave to the Assistant Registrar that you took two weeks leave from work to accommodate the CBT, you were able to provide the panel with the date you returned to work, but you were unable to provide the panel in live evidence with the dates you were on leave for. In your oral evidence you suggested that your leave may have been of a duration other than two weeks.

The panel had sight of the timings of the other candidates who sat their test on 4 July 2022. The panel considered that you said a woman was sat in the test room before you entered and she was still there after you left. The panel noted that the timings of the other candidates sitting their tests as provided by Witness 4, did not substantiate your claim. This is particularly significant considering that there were only 2 computers in the test room including the one you were using.

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: 18.85 minutes: Odds 1 in 6287.22.

'Evaluated Numeracy Timing: 6.23 minutes: Odds 1 in 867.51'.

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

The panel noted your consistent evidence that you prepared very thoroughly for your CBT for around six months, with various types of practice material, courses and WhatsApp 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 who accessed similar practice material might have been able to complete the test fast enough to meet the fraudulent concerns threshold. However, the data provided does not indicate such frequent and fast times at any other test centre. Further, the panel has seen evidence of your academic performance and although the certificates demonstrate that you hold professional nursing qualifications, obtaining very good grades 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, professionalism and good character but do not make any reference to your ability to sit exams quickly.

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

In your live evidence you accepted that the CBT was an important exam for your future to progress in becoming a nurse in the UK and would not have wanted to fail. The panel noted that you had taken the IELTS two weeks prior. As such, it found it even more implausible that you would have completed the CBT after such a short time and booked an early bus back to Owerri at 1pm, when your test did not start until 11:35am and the time allocated for your test was 3 hours. The more likely explanation is that you were confident in your result because of your use of a proxy.

The panel accepted some of your evidence that you studied thoroughly for the test, and the panel had no doubt that you are capable of completing and passing the CBT. However, in view of the panel's decision that there was widespread fraud occurring at Yunnik, the panel found that due to the exceptionally quick time in which you achieved your CBT result, making you one of the fastest candidates globally, it was highly unlikely that you could have achieved this without the assistance of a proxy. When looking at the comparison between your times and those of the global candidate population, from a test centre where there was widespread fraud, the panel considered that the only plausible explanation for you achieving your passes in the times that you did, was that you either used a proxy or had the assistance of a proxy. This view is further supported by four other apparently exceptionally fast test candidates within a 2-hour time period when you took your exam.

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

The panel went on to determine whether you meet the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character. The panel noted that it was for you to satisfy it that you meet the character requirements for successful admission on the register.

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

The panel therefore decided to dismiss your appeal and to uphold the decision of the Assistant Registrar, thereby refusing your application to the NMC register.

You have the right to appeal this decision. If you appeal the decision, you must submit your appeal to the County Court within 21 days of this decision.

This will be confirmed to you in writing.

That concludes this determination.