

**Nursing and Midwifery Council
Registrations Appeal Committee**

**Registration Appeal Hearing
Friday, 21 February 2025
Wednesday, 28 May 2025**

Virtual Hearing

Name of Appellant:	Farrukh Shahzad
Type of case:	Registrations appeal
Panel members:	Gary Tanner (Chair, Lay member) Aileen Cherry (Registrant member) Louise Geldart (Lay member)
Legal Assessor:	Simon Walsh
Hearings Coordinator:	Rebecka Selva (21 February 2025) Nicola Nicolaou (28 May 2025)
Nursing and Midwifery Council:	Represented by Chengetai Mupara, Case Presenter (21 February 2025) Roy Donnelly (28 May 2025)
Mr Shahzad:	Present and not represented at the hearing (21 February 2025 and 28 May 2025)
Decision:	Appeal dismissed

Decision and reasons

On 21 February 2025, the panel decided to adjourn 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 10 September 2024, that you did not meet the character requirements for registration.

In reaching its decision, the panel considered all of the evidence in this case, as well as your submissions, and those of Mr Mupara, on behalf of the Registrar.

Background

On 15 April 2022, you submitted an overseas initial nursing application to the NMC having completed your nursing training overseas.

On 29 May 2022, you uploaded an International English Language Testing System (IELTS) Test Report Form (TRF) for a test you had taken on 1 May 2022. The TRF was stamped by British Council (an official IELTS provider) and by IELTS. On the TRF, it states that your scores met the NMC's requirements.

On 14 July 2023, an NMC International Registration Assessment Officer (Assessment Officer), requested that you contact IELTS to verify your results as they were not available to the NMC.

On 8 August 2023, you responded stating you have contacted the British Council and IELTS, but they are unwilling to investigate why your results could not be verified online by the NMC unless you returned to Pakistan.

On 15 January 2024, you uploaded an Occupational English Test (OET) certificate dated 16 December 2023. This test result was verified and was deemed to have met the NMC's English language requirements for registration.

On 29 January 2024, as the Assessment Officer was unable to verify the IELTS scores, she contacted the IELTS verification team at the British Council for assistance. On 30 January 2024, the Assessment Officer received a reply from the IELTS verification team.

Whilst you demonstrated that you met the NMC's English language requirements by passing the OET, the NMC was concerned whether you met the NMC's character requirements because the uploaded TRF had a different image to that which appears on an identity document it is suggested was produced by somebody who sat your test on 1 May 2022.

Your registration application was therefore referred to the Regulatory Investigation (RI) Team for investigation.

On 14 February 2024, the NMC contacted you to confirm that the concerns relating to the TRF were going to be investigated and asked you to provide your account and reflections. On 24 February 2024, you responded by email and attached a written statement.

On 18 March 2024, the NMC emailed the British Council requesting further information relating to the IELTS TRF. An email response was received on 30 August and a further response received on 4 September 2024. The British Council attached the following documents:

- i. Appendix 1 – a copy of the TRF
- ii. Appendix 2 – a document showing the following information taken from British Council database: the TRF number, the test taker's date of birth, gender, email address, candidate ID document number, test results, candidate number, test centre number and test date as well as a photograph of the person who undertook the test.
- iii. Appendix 3 – a copy of the ID document presented by the test taker
- iv. Appendix 4 & 5 – a copy of emails sent by the IELTS Investigation Team to the email address held on British Council database for the test taker on 28 April 2023, notifying the test taker that they are prohibited from taking

an IELTS test for a period of two years. The test taker was advised in the notification of a ban that they have the right to appeal. This was not exercised.

The Assistant Registrar considered the concerns relating to your TRF and decided to refuse your application for registration. The Assistant Registrar's decision was communicated to you in writing in a letter dated 10 September 2024.

Submissions

At the outset of the hearing the panel requested Ms 1, NMC Investigator within the Registration Investigations Team, who had provided the only evidence to support the Registrar's position in a witness statement to give evidence. Mr Mupara informed the panel that Ms 1 was on annual leave and was unable to give evidence today.

Mr Mupara outlined the background to the case.

You gave evidence under oath.

You told the panel that the ID card on page 22 and 23 of the bundle is not yours as you do not recognise this type of ID card as being a valid government issued document. You confirmed that you did not know who the man photographed was. You told the panel that the signature under the man's photo is not yours.

You referred the panel to your biometric ID card scanned at page 39 and page 40 which is issued by the Pakistani government. You told the panel that you brought this biometric ID and your passport with you to take the test on 1 May 2022.

You told the panel that when you were told that your test result was cancelled, you contacted the test centre. You were told that the reasons for the cancellation could not be investigated unless you returned to Pakistan, you said that you were unable to travel back to Pakistan due to [PRIVATE].

You told the panel that due to the problems with verifying your IELTS results, you chose to take the OET exam on 16 December 2023 to prove that you are able to meet the standards of English required by the NMC.

In cross examination you confirmed that you submitted the IELTS TRF to the NMC portal as on page 21 of the bundle.

You clarified that on the day of your test on 1 May 2022 you presented your biometric ID and passport to the test centre, and they informed you it would be a computer-based test and not paper-based.

You clarified that on the ID on page 23 of the bundle, although the name, date of birth and family name are correct – the date of issue, expiry and family ID number is not the same as yours as they appear on your Biometric government ID (page 39).

You confirmed that the IELTS TRF certificate on page 21 contains the photograph that was taken of you on the test day, 1 May 2022, and that you recall wearing that jumper as in the photograph.

You clarified that GCL Academy in Pakistan booked the test on your behalf, they also paid on your behalf as your debit card was not recognised for payment. You told the panel that you do not have a confirmation of booking the test in 2022.

You clarified that GCL Academy provided you with an email address and password to access the test portal, but you did not have the password to access the emails' inbox itself. You confirmed this was the reason that you did not see the emails sent on 28 April 2023 on page 24.

You confirmed that you used the IELTS TRF certificate on page 21 for your visa application to the UK which was accepted. You clarified that when you were offered employment by a nursing home in Liverpool they applied for your visa on your behalf, and you sent all the necessary documents to verify your identity and the IELTS TRF certificate was one of them.

In response to panel questions you confirmed that you uploaded the IELTS TRF certificate to the NMC portal.

You clarified that you did not give the test centre any email address on the day of your test, only your biometric ID and passport. Once the test was completed, four days later you checked your test portal to see that you had passed. You confirmed that you subsequently only checked this portal occasionally not regularly.

You confirmed that no photo was shown on the test portal, and the test centre sent the paper IELTS TRF certificate to your 'registered address'.

You confirmed that the original IELTS TRF certificate had a 'wet signature'.

Mr Mupara submitted that the IELTS TRF certificate on page 21 dated 1 May 2022 is fraudulent.

Mr Mupara submitted that it is up to the panel to decide on the evidence seen and heard before it to make its own professional judgement as to your character.

Mr Mupara submitted that you have not presented any evidence to support your case that there has been any type of administrative error at the test centre.

The legal assessor asked Mr Mupara if in cases of fraud it was for the Registrar to disprove a reasonable alternative explanation offered by an Appellant. Mr Mupara confirmed this to be correct.

The legal assessor asked Mr Mupara whether the Registrar had considered whether the man photographed on page 22 and page 23 of the bundle could be a fraudster who had impersonated you in order to benefit from your successful completion of the test. Mr Mupara submitted that the Registrar does not have a position on this.

You confirmed that you work as a Band 4 in a Day Surgery Unit, and you have been waiting for two years to be registered with the NMC.

The panel accepted the advice of the legal assessor who directed the panel to its powers under Order 37 (9) (a-d).

Panel's decision

The panel considered the evidence before it and determined that there was not enough information before it to allow or dismiss the appeal.

The panel considered that it would be assisted by:

- A copy of the IELTS TRF certificate obtained by the NMC directly from the British Council
- The original covering letter you received with your IELTS TRF certificate that was sent to you by post.
- Ms 1, NMC Investigator within the Registration Investigations Team being present at the resumed hearing to give evidence. From the outset of the hearing, the panel identified possible problems with Ms 1 not being available to give evidence.
- A more detailed timeline and further details of the NMC's own investigation into the veracity of the English language test results uploaded to the NMC portal.
- The NMC to query how the British Council came to review your test result taken on 1 May 2022; why they cancelled your test result; and to request any additional documentation from the British Council that links you to alleged malpractice.
- You providing copies of all correspondence between you and the GCL Academy Pakistan in relation to your test and subsequent notification of the test result from GCL Academy.

The panel therefore decided pursuant to Rule 28 (1) of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 to adjourn your appeal until further information is provided for its consideration.

The hearing resumed on 28 May 2025.

Decision and reasons

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the 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 10 September 2024, that you did not meet the character requirements for registration.

In reaching its decision, the panel considered all of the evidence in this case, as well as your submissions, and those of Mr Mupara and Mr Donnelly, on behalf of the Registrar.

Submissions

Mr Donnelly provided written submissions summarising the evidentiary basis for a finding of fraudulent submission of the IELTS TRF Certificate which is summarised below.

Mr Donnelly submitted that following the adjournment of this hearing on 21 February 2025, the NMC contacted the British Council for further details of their investigation. He submitted that on 29 April 2025, the British Council responded to the NMC with answers to additional questions. The British Council said that their finding of malpractice was based on manipulation of the TRF after the result was released in order to defraud a regulatory body in that you claimed that you had undergone the IELTS when you had not. The British Council confirmed a discrepancy between the test day photo on the British Council's database and the photo on the scan of the TRF provided to the NMC. The British Council concluded that the person on the TRF provided to the NMC was not the person who sat the test.

Mr Donnelly submitted that you are required to satisfy the NMC that you meet the requirements of good character. He submitted that you have not provided any documents to support your registration, payment, or undertaking of the IELTS test which you would reasonably be expected to possess. Mr Donnelly further submitted

that your oral evidence that the GCL academy paid for your IELTS test because your debit card was not recognised, is not credible.

Mr Donnelly submitted that there is sufficient evidence before the panel to prove on the balance of probabilities that you did not sit the IELTS test on 1 May 2022 as per the TRF certificate, and altered the TRF certificate submitted to the NMC to indicate that you had completed the test.

You told the panel that the British Council did not send any additional documents, such as a cover letter, and that they only sent you the TRF certificate to your registered address.

In response to a panel question, you confirmed that you received a paper copy of the TRF from the British Council, and understood that you were asked to provide this original copy to the NMC prior to today's hearing. You told the panel that you did not send this to the NMC as you believed that the NMC would have received a copy of the TRF from the British Council.

The legal assessor referred the panel to the legal advice provided at the previous sitting on 21 February 2025.

Panel's decision

The panel considered the evidence before it and determined that you have not brought any new evidence to today's hearing to explain the discrepancy between the test day photo on the British Council's database, and the photo on the scan of the TRF provided by you to the NMC.

The panel considered that the British Council provided a detailed statement that they have conducted rigorous checks and concluded that the person who sat the IELTS test on 1 May 2022 is not the same person on the TRF certificate provided by you to the NMC. The panel also took into account that you confirmed in oral evidence that the people in the photographs are different and told the panel that there must have been an administrative error.

The panel determined that the investigations conducted by the British Council Investigations Team and the NMC are robust, and have clearly identified that you did not sit the IELTS test on 1 May 2022.

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

This will be confirmed to you in writing.

That concludes this determination.