

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday 11 December – Friday 12 December 2025**

Virtual Hearing

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| Name of Appellant: | Olalekan Olawale Tijani |
| Type of case: | Registrations appeal |
| Panel members: | Amy Barron (Chair, Lay member) Nikki Harvey (Registrant member) Mandy Kilpatrick (Lay member) |
| Legal Assessor: | Robin Hay |
| Hearings Coordinator: | Anya Sharma |
| Nursing and Midwifery Council: | Represented by Uzma Khan of Counsel |
| Mr Tijani: | Present and unrepresented |
| 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 December 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, identified 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 initial investigation into this issue, Pearson Vue 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. Witness 4 on behalf of Pearson VUE confirmed that, following a detailed investigation into the testing facility at Yunnik and review of the data, it was 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 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(s) in the following time:

- Numeracy: 5.47 Minutes (Time allocated for test: 30 minutes). Odds 1 in 2641.95
- Clinical: 16.43 Minutes (Time allocated for test: 150 minutes). Odds 1 in 9430.83

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, alongside your completed application:

- Expert reports by Witness 5 Head of Data Analytics at OAC
- Witness statements of Witness 4, Director of Information Security and Security Services at Pearson VUE
- Witness statements of Witness 6, Executive Director of Professional Practice at the NMC
- Witness statements of Witness 1 and Witness 2
- Other test activity at Yunnik on the date you sat your test
- Your email dated 11 October 2024
- Email from Registered Manager dated 6 November 2024
- Your detailed account of what happened at the Yunnik test centre sent by email on 22 November 2024
- Your reflections on the importance of honesty and integrity in Nursing sent by email on 22 November 2024

- A report from your employer with the outcome of their internal investigation sent by email on 27 November 2024

In your correspondence, you stated that you were not involved in, or aware of, any fraudulent activity at the Yunnik test centre and that you were not aware of anyone who was involved in it either. It is your case that you chose to sit your CBT at the Yunnik test centre in Ibadan as that test centre was closest to where you were staying at the time, that you were not assisted to take the exam, and that you had not previously acted fraudulently. You set out that you were confident about taking the test and that is why you were able to achieve a pass in the time recorded for you.

The Assistant Registrar considered your explanation. The Assistant Registrar accepted that whilst you have been confident about taking your exam, this does not explain how you were able to obtain your test result from Yunnik in the time that 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 19 December 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 14 January 2025, 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, included within the NMC evidence bundle:

- 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 1: Band 5 nurse in the UK who provided her experience sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience sitting an exam at Yunnik.
- Witness 6: Employed by the NMC as the Executive Director of Professional Practice.

The panel also heard oral evidence from you under oath.

You provided the panel with documentation to support this appeal including:

- Your nursing registration as a psychiatric nurse for the Nursing and Midwifery Council of Nigeria dated 11 March 2019
- Your notification of registration as a general nurse by the Nursing and Midwifery Council of Nigeria dated 31 August 2015
- Your confirmation of results dated 27 September 2010 from the West African Examination Council
- Your confirmation of results dated November 2014 from Ogun State School of Nurses

- Your certification of registration from the Nursing and Midwifery Council of Nigeria as a psychiatric nurse dated November 2018
- Your testimonial of academic performance at Ministry of Health School of Nursing Abeokuta Ogun State dated November 2014
- Official transcript of training in general nursing from Ministry of Health School of Nursing Abeokuta Ogun State dated November 2014
- West African Senior School Certificate examination results dated June 2009
- IELTS test report form dated 11 June 2022
- Care Certificate from Health Education England, Skills for Care and Skills for Health, undated
- Training certificate dated 5 April 2024
- Training certificate dated 23 August 2017
- Training certificate dated April 2022
- Training certificate dated March 2024
- Police character certificate issued by Nigeria Police Force dated November 2022 confirming no convictions
- HR investigation report dated November 2024
- 'Employee of the Month' nomination slip
- Letters of thanks

Application to admit additional document into evidence under Rule 31

During the course of your evidence, the panel heard an application made by Ms Khan on behalf of the NMC to admit an additional document into evidence pursuant to Rule 31. The document in question was the Standard Decision Form (SDF), which sets out your resit CBT performance data, including completion times for both the numeracy and clinical components of the examination.

Ms Khan submitted that the need to make this application arose as you have raised your resit CBT timings. She referred the panel to your appellant bundle, in which you made reference to the timing of your resit CBT and relied upon those timings in support of your case that your original CBT result had been achieved legitimately. Ms Khan submitted that you had relied selectively upon certain figures, and that the timings recorded in your written material were incomplete and partly inaccurate.

Ms Khan submitted that you had referred to a clinical completion time of approximately five to six minutes, whereas the SDF demonstrated that the clinical component of the resit CBT had, in fact, taken significantly longer, namely approximately 51 minutes according to Pearson Vue data and 50.15 minutes according to the Witness 5 analysis. She submitted that the figures cited by you appeared to relate solely to numeracy timings and did not reflect the full picture of the resit examination performance.

Ms Khan submitted that there are two parts to the NMC's application, firstly in that it is necessary to correct an inaccurate or incomplete account that had already been placed before the panel, and secondly, having chosen to rely upon the resit CBT as supportive of your case, you could not properly object to the panel seeing the complete and accurate data relating to that examination. She submitted that a comparative analysis between the original CBT and the resit CBT results was central to the issues in the appeal and that the panel would not be able to fairly assess those issues without the full evidential context.

Ms Khan submitted that there is no unfairness or prejudice to you in admitting the document. She explained to the panel that the SDF contained your own performance data, which is already within your knowledge. You have been provided with the document previously and you have yourself referred to it in your written documents. Ms Khan submitted that transparency is required in the interest of fairness, and that when reaching its decision, the panel must consider all of the relevant material before it, particularly when timing is a central issue in dispute in this appeal.

You told the panel that you object to the admission of the SDF into evidence. You submitted that you have sought to be open and honest in the documentation that you have provided before the panel, and that any errors in the timings arose from a misunderstanding on your part and was not intentional.

You submitted that whilst you do not have the technical expertise to analyse the data, you believe that the figures you had relied upon reflect the resit CBT timings, and any inaccuracies are the result of your confusion. You told the panel that at the time you relied upon the SDF, you did not appreciate the associated significance and complexity of it.

You submitted that it would be wholly unfair for the NMC to rely on this document at this stage and invited the panel to not admit this document into evidence.

The panel heard and accepted the advice of the legal assessor.

In reaching its decision, the panel considered whether the SDF was relevant to the issues before it. It took into account that your case may rely, in part, upon your resit CBT performance. The panel considered that timing data is a central feature of the NMC's case, and of your response. The panel was therefore satisfied that it would not be able to properly assess these matters without sight of the full and accurate resit CBT timings.

The panel also then considered whether admission of the SDF would be unfair or prejudicial to you. The panel noted that the SDF related solely to your own examination performance and that you had previously been provided with it. The panel further noted that you introduced the resit CBT timings in your written material, as well as during your oral evidence. Taking all of this into account, the panel was satisfied that admission of the SDF into evidence did not introduce any new material and did not deprive you of a fair opportunity to respond to it.

The panel recognised that you may not have fully appreciated the implications of selectively relying on parts of the timing data. It however concluded that fairness required that both the NMC and you be permitted to rely on the same evidential material in its complete form, rather than a partial, or potentially misleading, section of it. The panel further concluded that you would have the opportunity to explain any confusion or misunderstanding arising from the document as part of your evidence.

Having balanced all of these considerations, the panel determined that admitting the SDF into evidence was a necessary step in this case, in order to ensure a fair and transparent consideration of the appeal. The panel was therefore satisfied that admission of the document would assist in its deliberations.

Accordingly, the panel granted the NMC's application under Rule 31 and admitted the SDF into evidence.

Submissions

Ms Khan provided the panel with a background to the case and referred it to the relevant parts of the NMC bundles. She reminded the panel of its role in not making any judgments in relation to your personal circumstances, career history, or experience, but to assess the reliability and integrity of the CBT result and your suitability for NMC registration, having regard to public protection, the need for public confidence in the register and the NMC as a regulator.

Ms Khan submitted that the panel has before it extensive background evidence regarding the Yunnik test centre, and that evidence demonstrates that Yunnik was the location of systemic, organised and sustained proxy test taking. She submitted that this background context is not challenged and forms the factual backdrop against your own test performance requiring assessment.

Ms Khan then referred the panel to your individual test data. She set out that you completed the clinical component in 16.43 minutes, leaving the substantial majority of available time unused by you, with statistical odds said to indicate a highly improbable result. Ms Khan submitted that this resulted in an average of approximately 9 seconds per question and was inconsistent with genuine engagement with a clinical examination of this nature. She further submitted that you completed the numeracy component of the test in 5.47 minutes, using only a small proportion of the allocated time, which is implausible.

Ms Khan submitted that the same day completion data provides additional support for the allegation of fraud. She submitted that the panel can see from the documentation before it that five candidates sat the examination on the same morning, and the first three candidates, including you, completed their tests within a window of approximately 50 minutes. Ms Khan submitted that the combined scheduled time for those sittings should have however totalled several hours. The latter two other candidate's completion times for the test are said to be consistent with global norms. Ms Khan submitted that this difference is not random or coincidental and supports that improper administration and proxy activity occurred for the three candidates, including you.

Ms Khan submitted that the reliability of your account is undermined by evidence relating to your conduct in employment. She submitted that reference has been made to records of an internal employer investigation, which is said to have been triggered by concerns that you had misled your employer as to the reason for delay in obtaining your registration. Ms Khan submitted that despite you having been notified in advance as to concerns regarding your CBT, you did not disclose the NMC investigation to your employer until a later stage, and this was a significant omission when assessing your candour. She submitted that supports a conclusion that you sought to conceal the true reason for delay in obtaining your registration and therefore undermines the credibility of your explanations.

Ms Khan submitted that your explanations, provided in both your oral and documentary evidence is materially inconsistent, and at times contradictory in nature. She submitted that your account changed on key points, including your reasons for selecting the Yunnik test centre to take your exam, your preparation for the examination, the events on the test day, the time in which you attended the test centre, and your approach to your resit CBT. Ms Khan submitted that inconsistencies have come to light when comparing your oral evidence with your written accounts included within the appellant bundle. At times you presented yourself as an exceptional candidate who was well prepared, and other times you spoke as to misunderstandings, confusion and not being prepared. Ms Khan submitted that these shifts in your explanations did not reflect a coherent account.

Ms Khan submitted that your evidence also demonstrated selective recall, particularly in relation to the timing figures you had relied upon. You have changed your account several times during your evidence as to what time you had arrived at the test centre. Ms Khan submitted that your incoherent responses were indicative of an unreliable account and argued that a truthful witness would not have needed to repeatedly change their account in response to the evidence put to them.

Ms Khan submitted that the panel should also take account of the resit CBT on 18 November 2023 which was taken in a UK testing environment and is a legitimate comparator for the panel. She submitted that your scores on the resit CBT are lower than those achieved by you at Yunnik, and in particular, the clinical completion time was significantly longer than the Yunnik timings. Ms Khan submitted that whilst the NMC does not expect an identical replication of your performance in Yunnik, the stark contrast in your

results supports the NMC case that the Yunnik timings are not truly representative of a genuine test taker.

Ms Khan submitted that when taking into account all of the evidence before it, the panel is able to reach the conclusion that your CBT performance data falls within a fraudulent pattern, and that your explanations are inconsistent with the expert evidence. She also submitted that your continued denial, despite the material that is before the panel, raises further concerns as to your integrity. She submitted that allowing you admission to the register on the basis of an unreliable CBT result would undermine public confidence in the NMC register. Ms Khan therefore invited the panel to dismiss your appeal and uphold the Assistant Registrar's decision.

You explained to the panel that the material that is before it today mostly consists of statistical analysis taken from global and national datasets and in your view does not amount to 'real life' evidence of your personal involvement in fraud. You told the panel that whilst you appreciate the statistical probabilities, they cannot conclude that you had used a proxy.

You told the panel that you do not accept that you intentionally misled your employer. You explained that any delay or lack of clarity in your disclosure was due to uncertainty about the scope and seriousness of the NMC investigation at the time. You stated that whilst you had made reference to the NMC investigation in communications with your employer, you had not fully understood the depth of the regulatory processes. You also told the panel that cultural differences, English not being your first language, relocation to a new country, and general unfamiliarity with the regulatory expectations meant that there were misunderstandings on your part.

You emphasised to the panel that you have been without representation for most of the investigation process, and you did not have the relevant information as to how to approach and navigate professional and regulatory proceedings. You told the panel that you sought representation by joining a union but had done so at a later stage. You explained to the panel that the absence of representation contributed to errors in your communications with your employer and with the investigation as a whole.

You explained to the panel that you are confident in your professional competence and in your preparation for undertaking the CBT. You told the panel that you are a qualified and

experienced nurse with more than 15 years of experience, and that you fully understand the professional obligations and ethical standards expected of you. You rejected the NMC's submissions that your explanations are fabricated, and that you stated that you have no intention of providing false information or misleading the panel. You accepted that whilst your explanations during your oral evidence may have lacked clarity, you said this was due to English not being your first language and cultural barriers. You explained to the panel that whilst you are confident in using English in a professional setting, explaining complex events under pressure remains challenging for you.

You told the panel that you are concerned that this process has spanned approximately three years and despite this length of time, the NMC has not produced direct evidence of your personal involvement in fraudulent activity. You said that the absence of such evidence should be weighed in your favour and that this investigation has had a significant adverse impact on your career progression and professional development as well as your personal life.

You explained to the panel your concerns as to the accreditation of test centres and told the panel that Pearson Vue, as the examination provider, should be responsible for ensuring that test centres are appropriately equipped and monitored with security in place and invited the panel to take this into account when assessing your appeal.

You told the panel that the NMC should not rely on your prior academic results, and that earlier academic performance should not be used as a benchmark for your CBT performance, as the examinations are different. You explained that CBTs are multiple-choice assessments, which you are familiar with, and it enabled you to complete the examination efficiently.

You told the panel that you were not involved in any fraudulent activity at Yunnik and invited it to accept that your CBT result was achieved legitimately and that any inconsistencies in your account were the result of your misunderstanding rather than any dishonesty.

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 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 determined 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 noted 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's 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 determined 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. The panel also referred to Witness 6's statement that there were 32 other logged admissions of their experience of fraudulent activities and use of human proxies at the Yunnik test centre.

You also accepted the NMC case that there was generic fraudulent activity.

On the balance of probabilities, the panel determined that it was more likely than not that there was widespread fraudulent activity taking place at Yunnik test centre.

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

The panel first considered your test times. It 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:

- Numeracy: 5.47 Minutes (Time allocated for test: 30 minutes). Odds 1 in 2641.95
- Clinical: 16.43 Minutes (Time allocated for test: 150 minutes). Odds 1 in 9430.83

Comparing these times to the evidence of Witness 5, the panel noted that in particular for the Clinical part of the exam, only 7 candidates globally, and three in the rest of Nigeria, achieved this time and therefore determined it was an exceptionally quick test time for you to achieve.

The panel also attached weight to the “same day” data for 18 October 2022 on the date of your test. It noted that two other candidates, sitting immediately before you that morning, also recorded exceptionally fast times. The panel considered the evidence that the three candidates, one of which was you, completed their examinations within a compressed time window of approximately 50 minutes. The panel accepted the NMC’s submission that this was not consistent with normal exam administration, given that the CBT comprises of two components with substantial time allocations. The panel was of the view that having three exceptionally fast completions within the same centre, on the same morning, and within a short window was in itself highly implausible, supports the inference that improper testing arrangements were operating at that time and location, and that your test was not an exception to this.

The panel also took into account your evidence. It considered that there were significant inconsistencies between your oral evidence and the accounts contained within the documents that you had been provided, including documents originating from your employer’s internal investigation.

The panel considered these inconsistencies to be highly relevant and related to key issues of your case, which included your reasons for choosing Yunnik test centre, how familiar you were with the test centre, your account of what time you had reached the test centre and how you had taken your test. You gave different explanations as to why you had chosen Yunnik, which included having taken an English test previously at the same location and that Yunnik was the closest and most convenient option that suited your work rota, but at times also expressed a complete lack of knowledge of the Yunnik test centre and that you had never previously attended the centre. The panel found your explanations that you had misunderstandings, confusion and that English is not your first language to be unsatisfactory and did not consider these factors to explain the inconsistencies.

The panel also considered your evidence as to your preparation for the CBT. It has sight of the documentation you had provided and your submissions that your nursing knowledge and training experience allowed you to complete the CBT quickly. The panel was however of the view that your description of the revision you had undertaken was very limited and you were unable to provide an account to explain how you were able to achieve exceptionally fast completion times as evidenced in the data. The panel also considered

the resit CBT sitting you had undertaken in November 2023 and observed that whilst the numerary timing was similar, the clinical timing was significantly longer than at Yunnik.

The panel was satisfied that there is cogent evidence in relation to exceptionally fast completion times and the same day evidence at the Yunnik centre on that day. The panel determined that it had not heard any other plausible explanation for the exceptionally fast test times that you had appeared to have achieved. Therefore, the panel determined that it was more likely than not that you obtained your CBT result fraudulently.

The panel next determined 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 your university diplomas and training certificates and noted your previous unblemished career, in that you have not been in front of an NMC panel before. However, the panel also considered that you omitted to keep your Trust updated of NMC investigation into the Yunnik Centre, and determined this may be indicative of your failure to recognise the need to be open and honest with your employer. In addition, the panel considered that you have been found to have fraudulently obtained your CBT result, something that you have denied throughout your engagement with the NMC and therefore 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.