

**Nursing and Midwifery Council
Investigating Committee**

**Fraudulent/Incorrect Entry Hearing
Tuesday, 10 June 2025 – Wednesday, 11 June 2025
Wednesday, 10 September 2025**

Virtual Hearing

Name of Registrant:	Damilola Esther Falusi
NMC PIN:	22L1495O
Part(s) of the register:	Registered Nurse
Relevant Location:	Nigeria
Type of case:	Incorrect/Fraudulent entry
Panel members:	Neil Calvert (Chair, lay member) Elaine Weinbren (Lay member) Judy Shevlin (Registrant member)
Legal Assessor:	Megan Ashworth (10 June – 11 June 2025) Paul Housego (10 September 2025)
Hearings Coordinator:	Samara Baboolal
Nursing and Midwifery Council:	Represented by Uzma Khan (10 June – 11 June 2025), Case Presenter Represented by Robert Benzynie (10 September 2025)
Mrs Falusi:	Present and represented by Harry Dickens, instructed by the Royal College of Nursing (RCN)
Outcome:	Registration entry fraudulently made
Direction:	Removal from register
Interim Order:	Interim suspension order (18 months)

Details of charge

‘That you, as part of your application to join the NMC register:

1. Submitted or caused to be submitted, a Computer Based Test result, obtained at Yunnik Technologies Limited test centre (the test centre) on 25 March 2022, that had been obtained through fraud.

And, in light of the above, your entry on the NMC register, in the name of Damilola Esther Falusi PIN 22L1495O, was fraudulently procured.’

Or, in the alternative,

‘That you, as part of your application to join the NMC register:

2. Submitted or caused to be submitted, a Computer Based Test result, obtained at Yunnik Technologies Limited test centre (the test centre) on 25 March 2022, that was subsequently declared void by the NMC due to concerns about the manner in which tests were being conducted at the test centre.

And, in light of the above, your entry on the NMC register, in the name of Damilola Esther Falusi PIN 22L1495O, was incorrectly made.’

Background

On 16 March 2023, Pearson VUE, the Nursing and Midwifery Council (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 (the test centre or “Yunnik”). The CBT is in two parts, numeracy and clinical. The data raised questions about whether some or all of the CBT results at the test centre had been obtained through fraud and called into question the validity of all tests taken at the test centre.

Following completion of the NMC’s initial investigation into this issue it concluded that there was evidence of widespread fraud at the test centre, where a large number of

candidates had allegedly fraudulently obtained their CBT results. The NMC asked Pearson VUE to provide it with assurance that the data concerning tests taken at the test centre 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 the test centre and review of the data, they 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 then engaged Witness 4, an independent data analytics expert of OAC Limited, to provide it with an objective analysis of the data provided by Pearson VUE. OAC looked at the times in which CBT candidates at the test centre 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 the test centre 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 the test centre probably through a proxy tester acting on behalf of test candidates.

The data analysis from Witness 4, in relation to your CBT taken in 2022, shows that you achieved a pass in your tests in the following time periods:

- Numeracy: 3.78 Minutes (Time allocated for test: 30 minutes)
- Clinical: 29.02 Minutes (Time allocated for test: 150 minutes)

On 3 August 2023 the NMC's Registrar decided to use, as a benchmark, the 1 in 2,500 threshold, in order to identify tests which were taken at such a speed that it is likely they were conducted using fraud (most likely a proxy test taker).

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 numeracy test within the time it took you to complete it without fraudulent means. Witness 4 provided the following odds in your case:

- Evaluated clinical timing: Odds 1 in 366.74 (not considered suspect)
- Evaluated numeracy timing: Odds 1 in 58,123.0

Taking into account the time in which your numeracy 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.

While the NMC stated that it would not take into account resit time, this was raised by you during the hearing and so your resit times were considered by the panel.

You were offered an opportunity to resit the CBT exam, in the UK, and you completed the test on the 4 November 2023. You achieved a pass in both tests:

- Numeracy: 21.17 Minutes
- Clinical: 47.73 Minutes

The timings for your numeracy test differed from your original sitting by approximately 17.39 minutes. The clinical test result was not under scrutiny by the NMC.

Decision and reasons on the facts

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Ms Khan on behalf of the Nursing and Midwifery Council (NMC), and by Mr Dickens on your behalf.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard live evidence from you under affirmation and from the following witness called on your behalf:

- Witness 7: Your former nursing school peer who said that she took the CBT at Yunnik on the same day as you.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the witness and documentary evidence provided by both the NMC and Mr Dickens.

Charge 1

“That you, as part of your application to join the NMC register submitted or caused to be submitted, a Computer Based Test result, obtained at Yunnik Technologies Limited test centre (the test centre) on 25 March 2022, that had been obtained through fraud.”

This charge is found proved.

In making its decision, the panel took into account and accepted the written statements of Witness 1, Witness 2, Witness 3, Witness 4, Witness 5, all of the documentary evidence, documents detailing your original test times, same-day data documents, documents detailing your resit times, and your own written statement and oral evidence.

The panel did not place substantial weight on the oral evidence provided by Witness 7 due to numerous inconsistencies which brought into question the reliability of Witness 7's evidence.

The panel was of the view, taking into account the documents outlined above, that there is compelling evidence before it to support the fact that there was widespread fraud occurring at the test centre. It noted in particular, the independent expert evidence of Witness 4, reports from Pearson Vue, the statements of Witnesses 1 and 2, and the other registrants who have made admissions presented in Witness 3's statement. The panel was aware that this evidence was hearsay evidence but determined that it was supportive of Witness 4's independent expert evidence and it provided contextual background.

The panel did not accept your explanation in your evidence as to why you chose to sit your CBT at this particular test centre. It noted that your evidence in relation to this explanation was inconsistent. You informed the panel that your first choice was a test centre in Acura, which was 30 minutes away, while Yunnik was two hours away from your home. You said

that Yunnik was close to your fiancé's home, and that you rang the first centre, but they did not answer. You stated that you then chose Yunnik as it was where your fiancé was based, and where you spent the majority of your time when not working. You also informed the panel that Yunnik allowed you to pay a fee in Naira over the phone to take your test, as you did not have an international account. However, the panel noted that, to get to Yunnik, you would have had to bypass other test centres which were closer in proximity and larger. The panel also noted that you said you were in contact with a number of other people sitting the test, who provided information about test taking.

The panel took into consideration the statement provided by Witness 5 on selecting test centres:

'...These irregularities were what we call 'proximity analysis' where candidates booked their exam closer to their residences. In some cases, analysis showed candidates who did so then needed to travel for several hours to reach this site when closer options were available.'

You completed your numeracy test very quickly, and your explanation for this fast test time was that you found the exam to be "extremely easy" and that you are known for being very fast. The panel accepts that you may be intelligent and had regard to your academic history and areas of academic achievement but was not persuaded that you had provided any objective evidence to support your assertion that you were a particularly outstanding student as to perform among the very fastest test takers globally. The panel took into account the relatively swift time of the unchallenged clinical test.

The panel heard evidence from Witness 7, who attested to your ability to be a fast test taker, however, it gave this little weight as Witness 7's evidence was inherently contradictory. In particular, the evidence of Witness 7 on 11 June 2025 was markedly different to that on 10 June 2025. She purported to have recollected overnight exact details of the test centre on that day of which either she had no memory on 10 June 2025 or were at odds with her evidence on 10 June 2025. There was no objective evidence provided to the panel to support your assertion that you always complete tests quickly and were an exceptional scholar. The panel also took into account your resit timings as you raised the point, which do not support your explanation that you are a fast test taker. Your

evidence that you tutored others for the tests was unsubstantiated, save by Witness 7 whose evidence the panel did not find reliable.

Your explanation for the longer time taken for the numeracy test resit was that you intentionally checked and double checked your answers to use up time, because you had been accused of taking the test too quickly and so made sure you took longer in the resit. The panel did not consider this to be plausible or credible because the NMC were asserting that your quick time was because you used a proxy test taker, so that replicating the swift time would show that you had not done so.

The panel acknowledged that you maintained in your oral evidence that you took the test honestly. However, the panel bore in mind that your test taking times were significantly faster than a population of over 50,000 other candidates globally, including those taking tests in other centres in Nigeria. The panel took into account the statement of Witness 4, who says that only a few other people globally were able to achieve these same test times. It also noted that the Same-Day Data document showed there were two people who achieved exceptionally fast test times on the same day at the Yunnik Centre, with one of these being yourself.

The panel therefore concluded that it would be exceptionally unlikely that two candidates taking the test on the same day and same centre, where it established that there was fraud, would have done it so quickly on their own merit. The panel took the view that this supported the position that it was likely that proxy test takers were operational at the centre on that day.

The panel also noted that there were inconsistencies in your oral evidence. You made mention of a male coordinator at the centre in your written statement, however in your oral evidence you spoke about a "fair lady". There were also numerous inconsistencies in relation to how many people were in the exam room and its layout. In respect of the information before the panel indicating that another test taker began their CBT at 10:23, there were also inconsistencies in your oral evidence about who you saw after your test. For these reasons, the panel did not find your account concerning the taking of the test to be credible.

You told the panel that the questions were easy and did not warrant using all of the time provided to complete the test. However, the panel did not find this to be a credible explanation, as this test was important for your ability to migrate to the UK, and this is supported by your reaction to passing your International English Language Testing System (IELTS). You told the panel that you were “bouncing and excited” having received your IELTS certificate. Your ability to move to the UK and practise as a registered nurse was therefore contingent on your passing of the CBT exam. You told the panel that you arrived at Yunnik four hours early, which signals that this exam was important to you, and the panel was of the view that it was unlikely you would have completed it so quickly without checking.

The panel found your explanations as to why you arrived early implausible. You stated that you had never been to the centre before, but you intended to complete more revision, despite being unaware of the layout of the centre. You told the panel that the coordinator told you that, although your test was booked for 13:00, you could sit it whenever you were ready. The panel noted that you sat your test at 9:26.

The panel noted that a small number of people from other test centres worldwide were able to pass the numeracy test as quickly as your test time, so that it is not impossible to achieve such a test time. There is little objective evidence that you are exceptionally fast at taking tests, and the evidence of the witness who gave oral evidence to that effect was not of any substance. There was widespread fraud at Yunnick. Two people on the same day exceeded the 1:2500 threshold. Your account of why you took the test at Yunnick was implausible. There were many inconsistencies in your account. You brought up the time for the resit, which was much slower (four times as long) and your explanation for this was not credible.

The panel had no plausible or credible evidence before it to suggest that you did not obtain the fast time on the CBT numeracy test on 25 March 2022 without fraudulent means, and on the balance of probabilities, it decided that you had not achieved your fast test time yourself and so found this charge proved.

In light of finding charge 1 proved, the panel did not go on to consider charge 2 in the alternative.

Decision on Fraudulent Entry

The panel decided, for the above reasons, the entry on the register in your name was fraudulently procured.

The panel accepted the advice of the legal assessor who referred it to the case of *Ivey v Genting Casinos* [2017] UKSC 67, in which Lord Hughes stated:

‘When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.’

The panel bore in mind that for an entry to be fraudulent there must have been a deliberate attempt to mislead whereas an incorrect entry involves a mistake or genuine error.

The panel acknowledged that you are a registrant of good character. However, in relation to this registration and other surrounding factors, the panel was satisfied that you were dishonest in taking your CBT numeracy test as your actions were dishonest by the standards of ordinary decent people.

The panel therefore found that the entry on the NMC register in the name of Damilola Esther Falusi PIN 22L1495O, was fraudulently procured.

Decision and reasons on direction

Having determined that you had fraudulently procured an entry on the NMC's register, the panel went on to decide what direction, if any, to make under Article 26(7) of the 'Nursing and Midwifery Order 2001' (the Order).

Article 26(7) states:

'...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.'

Mr Benzynie, on behalf of the NMC, referred the panel to the guidance issued by the NMC. He submitted that your entry from the NMC register should be removed.

Mr Benzynie submitted this is not a situation where there has been an error or inaccuracy in your entry to the register, and instead this relates to your character. He submitted that fraudulently procuring entry onto the register is not an oversight, and that you had full knowledge of your conduct at the time and had been dishonest. Mr Benzynie submitted that therefore, the only appropriate action is to remove you from the NMC register.

Mr Benzynie submitted that only registrants who meet the character requirements should remain on the register. He submitted that the duty to maintain the register is vital in protecting the public and meeting the public interest.

Mr Benzynie submitted that you are permitted to reapply to the register once the 28-day appeal period has passed. The Registrar will consider, when assessing your application, the finding of fraud, and any mitigating factors put forward by you, when applying the Health and Character Guidance.

Mr Dickens submitted that you have an otherwise unblemished nursing career spanning ten years. He invited the panel to consider the context and your good character. He submitted that an amendment of the register to reflect the panel's findings would meet the public interest. He submitted it would be an exceptional action for the panel to amend the register, but invited the panel to consider this. He submitted that you are a competent

nurse, “beyond good”, and aside from this, no concerns have been raised about your practice and to remove you would deprive the public of a nurse who can offer a good standard of care.

The panel accepted the advice of the legal assessor who referred the panel to Articles 26(7) and Article 22(1)(b). He reminded the panel that the word “may” meant that the panel had to exercise a discretion as to outcome. He referred the panel to the NMC guidance “Health and Character”, in particular to paragraphs 121-128, and to the NMC guidance note “What actions can we take if we prove an allegation of fraudulent or incorrect entry?”. He advised that no action would not be appropriate as the entry currently relied on a test which had been declared invalid, so that the choice was between directing the Registrar to amend the Register to refer to the resat numeracy test and to direct the Registrar to order the removal of your entry in the Register.

The panel considered that, having found that your entry on the NMC register was fraudulently procured, it would be inappropriate to take no action. The panel took into account that this was a fraudulent entry which is serious, and that this was an act of dishonesty. Further, the current register reflects a fraudulent test result, and no action would neither address nor correct this.

The panel took into account Mr Dickens’s invitation to amend the register so that the register accurately reflects your re-sit results. The panel considered the NMC Guidance on “making an order that the Registrar amend the entry”:

‘An order to amend the entry in the register may be appropriate if:

- *there is information on the register that we can amend (for example the date of joining the register)*
- *the entry was incorrect*
- *there was no fraud or dishonesty*
- *there is no wider concern regarding the integrity of the entry, and*

- *there's no issue over any of the registration requirements that needs the specialist judgement of the Registrar.'*

Given the panel's findings of dishonesty and fraudulent procurement of an entry, the panel has concerns around your character and integrity. It determined that an amendment to the register was not appropriate in the circumstances and would not maintain and uphold public confidence in the NMC register.

In all the circumstances the panel decided that the only appropriate outcome is to direct the Registrar to remove your entry from the register. The panel acknowledged that you may reapply to the Registrar in the future and that this would provide you with an opportunity to provide mitigation and insight, should you wish to do so.

You will be notified of the panel's decision in writing. You have the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the 28-day appeal period or, if an appeal is made, before the appeal has been concluded.

Decision and reasons on interim order

Having directed that the Registrar remove your entry from the register, the panel then considered whether an interim order was required under Article 26(11) of the Order, in relation to the appeal period.

Mr Benzynie submitted that, if an appeal is launched, you would remain on the register pending the outcome of that appeal. He submitted that this appeal process can take up to 18 months.

Mr Benzynie invited the panel to consider imposing an interim suspension order for a period of 18 months. He submitted that this order would protect the public and meet the public interest during the appeal period.

Mr Benzynie submitted that an interim suspension order reflects the findings of the panel, and the seriousness of the charge found proved. He submitted that there would be damage to public confidence in the nursing profession if you were allowed to practise

without restriction, in light of the panel's findings. He submitted that an interim suspension order would maintain and uphold the integrity of the NMC register.

Mr Dickens opposed the application. Mr Dickens submitted that this application does not meet the high bar of necessity in this case, for the protection of the public. He submitted that you are a competent nurse and there is nothing before the panel to suggest that you would cause any harm to patients in your care.

Mr Dickens submitted that it may be preferable or desirable to impose an interim order, but this is not enough to meet the high bar for necessity.

Mr Dickens submitted that the panel's finding of dishonesty does not create an irrebuttable assumption that an interim order is necessary. Mr Dickens submitted that both the panel's finding today, and the order to remove you from the register, sufficiently meet the public interest.

Mr Dickens submitted that you have met the standards and qualifications required by the NMC by resitting your CBT in the UK.

The panel accepted the advice of the legal assessor on the necessity of an interim order in light of the panel's findings and highlighted that there are no public protection issues in the panel's findings.

The panel had regard to the NMC's published Guidance on Fraudulent and Incorrect Entry cases. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's discretion in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's Guidance on interim orders.

The panel took into account that there are some public protection issues arising in this case, as honesty and integrity are fundamental tenets of the nursing profession. However, despite its finding of dishonesty, the panel determined that there was no information before

it to suggest that there is a substantial risk of repetition in this case, and therefore an interim order is not necessary on public protection grounds.

However, the panel determined that the high bar for public interest is met in this case. The panel was of the view that a finding of fraudulently procuring entry onto the register by dishonest means is very serious, and if an order were not put in place, the integrity of the register and public confidence would be damaged. It determined that an interim order is therefore necessary to protect the reputation of the profession and the NMC as its regulator.

The panel then considered whether to impose an interim conditions of practice order. It determined that as this was a case concerning your integrity and honesty, an interim conditions of practice order was not workable or appropriate in this case. The panel therefore determined that it is appropriate and proportionate to impose an interim suspension order.

The panel decided that it would be consistent with its decision and will maintain public confidence in the integrity of the register, to prevent an individual whose entry onto the register has been procured by fraud to continue practising.

The period of this order is for 18 months to allow for the possibility of an appeal to be made and determined.

If no appeal is made, then the interim order will lapse upon the removal of your entry in the Register 28 days after you are sent the decision of this hearing in writing.

That concludes this determination.