

**Nursing and Midwifery Council
Investigating Committee**

**Fraudulent/Incorrect Entry Hearing
Thursday 15 January 2026 – Friday 16 January 2026
5 October 2026**

Virtual Hearing

Name of Registrant:	Elizabeth Osarume Owens-Aghedo
NMC PIN:	23B0921O
Part(s) of the NMC Register:	NMC Registered Nurse – Mental Health (RNMH) 10 February 2023
Relevant Location:	Nigeria
Type of case:	Fraudulent/Incorrect entry
Panel members:	Neil Calvert (Chair, Lay member) Sally Glen (Registrant member) Emma Lynch (Lay member)
Legal Assessor:	Brett Wilson (15-16 January 2026) Melissa Harrison (5 October 2026)
Hearings Coordinator:	Emily Mae Christie (15 – 16 January 2026) Anya Sharma (5 October 2026)
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury, Case Presenter
Ms Owens-Aghedo :	Present and represented by Catherine Collins, instructed by the Royal College of Nursing
Outcome:	Registration entry fraudulently and incorrectly made
Direction:	Direct the Registrar to remove your entry from the NMC Register.
Direction:	Interim suspension order

Decision and reasons on application for hearing to be held in private

At the outset of the hearing, your representative, Ms Collins, made a request that this case be held partly in private on the basis that proper exploration of your case involves mention of [PRIVATE]. The application was made pursuant to Rule 19 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Chowdhury, on behalf of the Nursing and Midwifery Council (NMC), indicated that she did not oppose this application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Having heard that there will be reference to [PRIVATE], the panel determined to hold the parts of the hearing in private as and when such issues arise in order to protect your privacy.

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 12 April 2022, that had been obtained through fraud.

And, in light of the above, your entry on the NMC Register, in the name of **Elizabeth Osarume Owens-Aghedo, PIN 23B0921O**, 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 12 April 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. **[PROVED BY WAY OF ADMISSION]**

Background

Pearson VUE have a contract with the NMC as their Computer-Based Test (CBT) provider, which has been in place since 2014. 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 NMC 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, 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, and there is no partial credit.

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 and PVTC Selects are contractually required to adhere to specific Pearson VUE standards for delivery and operations.

Pearson Professional Centres (PPCs) and PVTC Selects also have the additional security measures of biometrics (palm vein) and CCTV footage, which are not available in PVTCs.

On 15 March 2023, Pearson VUE identified that the Yunnik centre was delivering NMC CBTs for multiple candidates in unusually short test times (exam length is 3 hours for Part A and Part B combined and the Legacy test was 3 hours in total). 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. This report identified a suspicious level of activity. A security review was also conducted, which found several instances of the Yunnik centre submitting suspicious admission photos for NMC candidates.

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 probable fraudulent behaviour, likely proficient proxy testing, that was not present in other test 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 that human interference was involved.

The NMC commissioned a report from Richard Steele, instructed as an independent expert to analyse and report on data provided by the NMC. He reached essentially the same conclusion, namely, 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).

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 Yunnik 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.

On 12 April 2022, you completed the CBT test at the Yunnik Centre. According to the data, you completed the numeracy test in 4.92 minutes and the clinical test in 14.28 minutes. It is the NMC's case that the reason you were able to complete the test so quickly was that it was undertaken using fraud.

Your evidence

The panel had sight of the following documentary evidence provided by you, particularly:

- Your written statement, signed and dated 12 December 2023;
- Your second written statement, which you confirmed was submitted to the NMC around May 2025;
- Your CV;
- Your school leaving certificate from 2010;
- Your Senior School Certificate dated June 2009;
- Your NMC Registered Mental Health Psychiatric Nurse Certificate of Registration from the Nursing and Midwifery Council of Nigeria, dated 24 January 2020;
- Your NMC Registered Nurse Certificate of Registration from the Nursing and Midwifery Council of Nigeria, dated 10 November 2014;
- A letter of excellence from the CEO of the Trust, dated 18 November 2024;
- 10 testimonials from colleagues and friends;
- An email with the receipt of payment for your CBT; and
- Your CBT practice material.

The panel also heard evidence from you under oath.

You explained that your first CBT, which you sat at Yunnik in April 2022, took place at a time when you were emotionally stable and surrounded by support. You were living at home with your family, working with a tutor, and practising daily using the PV website materials, sometimes answering up to 200 questions at a time. Because you had prepared so broadly, and because the clinical content was familiar to you after years of nursing practice, you felt confident going into the test. You found the Yunnik centre online, chose it because it was the nearest location with the earliest available test date, and booked your test by phone. You paid the fee by transferring the money to the account you were given.

On the day, you drove around an hour and 45 minutes to the centre, which you described as being upstairs, with a reception area and a separate test room containing desktops. After ID verification with the female receptionist, you were taken into the test room and asked to sit at a specific station. You could not recall how many computers there were, but there was no one else in the room when you took your test. You did not focus on the time and left once you had finished, explaining that you needed to travel home early because travelling later can be unsafe due to kidnappers.

[PRIVATE].

You described how different your situation was when you attempted the CBT in the UK. During your first resit in November 2023, you passed Part A but were not expecting to, and you explained that your husband had advised you not to take the test [PRIVATE].

On 18 January 2024, while at work, you were approached by a senior educator who encouraged you to try again. You said this gave you the confidence you needed, and you booked your test that same day. You sat your CBT on 29 January 2024 and passed.

During cross-examination, you were asked about your choice of the Yunnik centre. You said none of your friends had used it before, that you found it online, and that you chose it simply because it was the closest location with the earliest available slot. You had originally been booked for 11 April but called back to correct this, as you were working

that day, and you rebooked for 12 April. You also confirmed that you paid via bank transfer and booked by phone.

You were asked numerous times about the set-up at the centre, and you consistently said that the reception was separate from the test room. You did not recall how many computers there were, and no one else was in the room while you sat your exam. You explained that you had your wristwatch with you but were not checking the time. You said you did not review your answers for either part of the CBT because you were confident in your selections. When shown that your times, completing Part A in 5 minutes and Part B in 15 minutes, were nearly identical to another candidate who had used the same centre, you said you could not comment because it was a long time ago and you could not remember whether anyone had come in after you.

You denied using a proxy, denied being pressured, and denied having any knowledge of proxy activity at Yunnik before you booked your test. You were shown your school certificates and told that although your performance was good, it was not exceptional; you responded that you had performed very well for your age at that time.

You explained that during the period of your UK resits, [PRIVATE] had affected your performance. Although this was not stated in your written statement, you told the panel that you did not know why it had been omitted, [PRIVATE]. You described how you informed your manager immediately after failing your first UK attempt. You reiterated that your lack of trust [PRIVATE] and that the revision you did in the UK was nowhere near the structured, broad, and intensive preparation you had in Nigeria.

Decision and reasons on application to admit Exhibit 12 into evidence

The panel heard an application made by Ms Collins under Rule 31 to allow Exhibit 12 into evidence.

Ms Collins submitted that Exhibit 12 includes an email from Pearson VUE indicating your CBT was scheduled for 12 April 2022 at 08:30. She explained that you identified this document after providing evidence to the panel, clarifying that there was an initial

issue with your CBT booking, and the document in the bundle before the panel shows the incorrect appointment. She submitted that this document is relevant based on the questions you were asked during your oral evidence and that, if further questions arise regarding it, the panel can recall you under oath. Therefore, she requested that the panel admit Exhibit 12 into evidence late in the proceedings.

Ms Chowdhury explained that she had seen the document and had no objections to it going before the panel. She confirmed that she would not need to recall you to give evidence if the panel were to admit it.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that, so far as it is 'fair and relevant', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings.

The panel took into account that Exhibit 12 is relevant to your case as it was referred to during your oral evidence and would be of assistance to the panel in its decision-making on the facts. It is considered that accepting Exhibit 12 into evidence would be a logical progression from your oral evidence. It noted that Ms Chowdhury did not object to the admission of this evidence and had no further questions for you in relation to it. In light of this, the panel was of the view that admitting Exhibit 12 into evidence at this late stage would not disadvantage any party to these proceedings.

In these circumstances, the panel came to the view that it would be fair and relevant to accept Exhibit 12 into evidence at this late stage.

Decision and reasons on the facts

At the outset of the hearing, the panel heard from Ms Collins, who informed the panel that you made full admissions to charge 2.

The panel, therefore, finds charge 2 proved in its entirety, by way of your admission.

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 Chowdhury, and by Ms Collins.

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 took account of the written evidence and witness statements from the following witnesses on behalf of the NMC:

- Witness 1: A registrant who has admitted to using a proxy tester at Yunnik on 19 April 2022 during the initial stages of the application process;
- Witness 2: A registrant who has admitted to using a proxy tester at Yunnik on 13 December 2022 during the initial stages of the application process;
- Bryan Friess: Director of Information and Security Services at Pearson VUE (PV);
- Sam Foster: Employed by the NMC as the Executive Director of Professional Practice;
- Witness 5: Independent data analytics expert – employed by Broadstone (formally OAC).

The panel also took into account the live evidence and witness statements from the following witnesses on your behalf:

- Ehis Owens-Aghedo: Your husband;
- Prudence Osa-Asemota: A NMC Registered mental health nurse and your friend.

The panel also heard live evidence from you under oath.

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 Ms Collins.

Charge 1

‘That you, as part of your application to join the NMC 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 12 April 2022, that had been obtained through fraud.*

*And, in light of the above, your entry on the NMC NMC Register, in the name of **Elizabeth Osarume Owens-Aghedo, PIN 23B09210**, was fraudulently procured.’*

This charge is found proved.

In reaching this decision, the panel first considered whether it had sufficient evidence before it to substantiate the NMC’s case that widespread fraud was occurring at Yunnik, before moving on to consider your case

The panel took into account the agreed facts, specifically with respect to the evidence of Witnesses 3 and 5. It noted that the agreed facts establish that the Pearson VUE results team and Witness 5, although running separate investigations, reached the same conclusion: that there was a significant number of exceptionally quick test times at Yunnik, compared to global averages. Furthermore, the panel considered that the experts agreed there was a specific pattern of probable fraudulent behaviour, likely to be proficient proxy testing.

The panel also took into account the written statements of Witnesses 1 and 2, which, although hearsay, discuss the use of proxies at Yunnik, suggesting that the fraudulent activity there was endemic. These statements allege that money changed hands, there was some coercion into using proxies, and that some candidates did not even get the chance to sit their test at the centre. 2 The panel noted that whilst this is hearsay evidence, it had only given Witnesses 1 and 2's statements weight by relying on them as corroborative evidence, as their statements demonstrate that it was more likely than not that Yunnik test centre participated in fraudulent activity through the use of proxies.

Considering all of this information, the panel was satisfied, on the balance of probabilities, that there was sufficient and compelling evidence to support the NMC's case that widespread fraud, by way of human proxy testing, occurred at Yunnik over a substantial period of time.

The panel then went on to consider your individual case. It bore in mind that the burden of proof was on the NMC to prove, more specifically, that the CBT result you obtained on 12 April 2022 was fraudulently procured. The panel noted that, other than your test times for the CBT you took at Yunnik on 12 April 2022, there was no direct and specific evidence before it, either from a witness or even CCTV footage, that you used a proxy tester that day.

The panel noted that your test time for Part A of the CBT was 4.92 minutes and for Part B was 14.28 minutes. The panel considered the third addendum to Witness 5's report containing further count summaries and histogram plots. The panel reviewed the global count summary and noted that only three of 56,000 people who have taken this CBT worldwide had completed Part B in under 15 minutes, and only 15 of 58,000 people who

have taken this CBT worldwide had completed Part A in under 5 minutes, excluding those who had taken it at Yunnik.

In your evidence, you explained the following:

- That you were thoroughly prepared for the CBT when you took it in Yunnik, and you had extensive tutoring and prepared intensively over three months.
- You explained that you relied on practice material, which helped you identify concepts in the questions and allowed you to answer them both quickly and accurately.
- You did not go back and check over your answers to the questions.
- You completed the questions quickly because you had read widely on the topics, which is something you had learned to do throughout school.
- Although you timed yourself when practising for the CBT, you did not time yourself during the CBT itself and were not aware of how much time you had taken.

The panel noted that you had timed yourself when you were preparing for your CBT. In light of this, it found your evidence regarding not timing yourself during the CBT and not being aware of how fast you completed it to be implausible. It also found it implausible that you did not go back over your answers to double-check, as you had done so much preparation for it. Whilst it found it plausible that you had a tutor and did prepare yourself for the CBT, your reliance on your previous academics and educational approach was not enough to explain your exceptional test results in such a fast time. Furthermore, the panel noted that it was clear from previous academic work that your performance was average rather than exceptional.

Furthermore, the panel considered the same-day data from 12 April 2022. This indicated that another candidate arrived three minutes after you completed your CBT and also finished their CBT in a time similar to yours. Therefore, the panel considered that even if it were to accept that your time in completing the test was because you were as good as the three of 56,000 people in the world who completed their CBT in under 15 minutes, it would also have to accept that the candidate who arrived three minutes

after you was also just as good as the three in 56,000. Having found that there was widespread fraud at the test centre, the panel therefore found this to be highly unlikely and it was more likely than not that your result was obtained by fraud.

The panel next considered the resits you undertook in the UK. Having reviewed your resit data, the panel noted that you resat the CBT on the following dates within the following times:

- On 24 November 2023, you passed Part A in 23 minutes, and failed Part B, having completed it in 133 minutes;
- On 15 December 2023, you failed Part B, having completed it in 126 minutes; and
- On 29 January 2024, you passed Part B, having completed it in 98 minutes.

The panel noted that the results of the resits demonstrated a stark difference between the level of performance and the speed at which you completed the CBT at Yunnik. In your evidence, you had explained that at the time of your resits you were having ongoing mental health difficulties as a result of the NMC investigation into these matters. The panel found this to be plausible and determined to apportion less weight to the speed of your resits because it accepted the evidence that you were stressed at the time and had nothing before it to indicate the impact this would have had on you at the time of your resits.

The panel considered the evidence from the two witnesses on your behalf. Whilst the panel acknowledged that the witnesses sought to provide contextual information as to your wellbeing at the time of the resits, the panel was of the view that they did not speak to the allegation of fraud.

The panel noted that it was not required to identify the specific method by which the fraud was carried out. Therefore, in considering all the evidence, the panel determined that it was more likely than not that, on the balance of probabilities, you submitted or caused to be submitted a CBT result, obtained at Yunnik test centre on 12 April 2022, that had been obtained through fraud. Accordingly, the panel found charge 1 proved.

The hearing was adjourned on 16 January 2026 and resumed on 5 October 2026.

Decision on Fraudulent Entry

The panel decided, for the above reasons, that in respect of each charge the entry on the NMC Register in your name was fraudulently procured.

The panel had 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 therefore found that the entry on NMC Registered Nurse – Mental Health (RNMH) 10 February 2023 of the NMC Register in the name of Elizabeth Osarume Owens-Aghedo, PIN 23B0921O 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 NMC 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.'

Ms Chowdhury referred the panel to the guidance issued by the NMC and invited the panel to direct the Registrar to remove your entry from the NMC Register pursuant to Article 26(7) of the Nursing and Midwifery Order 2001.

Ms Chowdhury submitted that, at this stage, the panel is not being asked to determine whether you would now satisfy the requirements for entry onto the NMC Register. Rather, having determined that your entry had been fraudulently procured, the panel is required to consider what, if any, direction should now be made. She submitted that this decision should be approached in accordance with the NMC's overarching objective of protecting the public, which includes maintaining public confidence in the nursing profession.

Ms Chowdhury submitted that members of the public who use or rely upon the services of NMC Registered nurses should be able to trust that those appearing on the NMC Register are properly entitled to practise as NMC Registered professionals. She submitted that the fact that your application for registration had been supported by a CBT result which the panel has found to have been fraudulently obtained is a strong factor in favour of removing your entry. Ms Chowdhury submitted that the NMC's duty to maintain the integrity and accuracy of the NMC Register is a vital aspect of public protection.

Ms Chowdhury reminded the panel that passing the CBT is a key requirement for registration as a nurse in the United Kingdom. At the time you had applied for and were

granted registration, you did not hold a CBT result which had been honestly obtained. She submitted that, as a result, when considering your application for entry onto the NMC Register, the Assistant Registrar had not been in a position to make a properly informed assessment based upon accurate information.

Ms Chowdhury further submitted that you had demonstrated poor decision-making, in circumstances in which integrity was of the utmost importance. She submitted that you had maintained throughout the hearing your denial that you had used a proxy or otherwise acted fraudulently in obtaining the relevant CBT result, notwithstanding the evidence relied upon by the NMC and the panel's subsequent finding. Ms Chowdhury submitted that this gives rise to continuing concerns regarding your character and integrity.

Ms Chowdhury submitted that permitting your entry to remain would undermine public confidence in the accuracy and integrity of the NMC Register. She therefore invited the panel to direct the Registrar to remove your entry from the NMC Register.

Ms Collins submitted that removal from the NMC Register does not automatically follow from the panel's finding that the entry had been fraudulently procured. She reminded the panel that it is required to give independent and careful consideration to what direction, if any, is appropriate under Article 26(7), having regard to the NMC's overarching objective of protecting the public.

Ms Collins submitted that you had subsequently passed the CBT and had also satisfied the necessary English language requirements. She submitted that you therefore now possess the relevant qualifications and requirements necessary to practise as a nurse in the United Kingdom.

Ms Collins also invited the panel to take account of your professional practice since obtaining registration. She informed the panel that you had practised as a nurse in the United Kingdom for approximately four years and continued to work at Sussex Partnership NHS Foundation Trust on a 17-bed acute inpatient mental health ward for adult patients. During that period, there had been no concerns regarding your clinical

competence and, importantly, no repetition of dishonest behaviour or any other allegation concerning your integrity or character.

Ms Collins referred the panel to the testimonials contained within the defence bundle and highlighted material demonstrating your commitment to your role and to patient safety. This included evidence that you had gone beyond the ordinary requirements of your position in difficult circumstances and had received an 'Excellence Award' from Sussex Partnership NHS Foundation Trust.

Ms Collins also referred to the testimonial from Bobbeth Ledgister, which spoke positively of your ability to utilise your skills and experience to provide a high standard of care to patients, their families and carers. She further referred to testimonials from Sashell Tulloch and Maryanne Starling, which addressed your professional abilities, adherence to the NMC Code and your practice within the standards of proficiency for NMC Registered nurses.

Ms Collins submitted that this evidence is relevant when considering the overarching objective and whether removal is necessary for public protection. She submitted that you have demonstrated that you prioritise patient safety and that there had been no concerns about your practice during the four years in which you had worked in the United Kingdom.

Ms Collins submitted that your entry could instead be amended to reflect the CBT which you had subsequently passed in the United Kingdom. She submitted that such an amendment would ensure that the NMC Register accurately reflects your current and legitimately obtained CBT qualification without requiring your removal.

Ms Collins also invited the panel to take into account that Witness 1 and Witness 2, whose evidence had been admitted as hearsay, remain on the NMC Register and are working as nurses. She submitted that this demonstrated that a finding of involvement in fraudulent activity at the Yunnik test centre is not, in itself, an absolute bar to registration or continued registration as a nurse.

Ms Collins therefore invited the panel to consider all of the evidence regarding your conduct and professional practice during your time in the United Kingdom. She submitted that, in the particular circumstances of this case, it is not necessary for the protection of the public to remove your entry from the NMC Register. She invited the panel instead to direct that the NMC Register be amended to reflect your subsequently and legitimately obtained UK CBT pass.

The panel heard and accepted the advice of the legal assessor and had regard to the relevant NMC guidance.

The panel next considered what direction, if any, it should make under Article 26(7) of the Nursing and Midwifery Order 2001, having determined that your entry in the NMC Register had been fraudulently procured.

Before considering the appropriate direction, the panel considered whether the fraud which it had found proved had occurred with your knowledge.

The panel considered the evidence of Witnesses 1 and 2, together with the evidence relating to the experiences of other test takers at the Yunnik test centre. It noted that the variety of fraudulent practices described in that evidence were all of a nature which could not have taken place without the relevant test taker being aware, at the time, that fraudulent activity was occurring.

In these circumstances, the panel did not consider it plausible that the fraudulent procurement of your CBT result could have occurred without your knowledge. The panel therefore determined that you were aware of the fraud by which your CBT result had been obtained.

The panel then considered the available outcomes in ascending order, beginning with whether it would be appropriate to take no action.

The panel determined that taking no action would not be appropriate. It did not consider the fraudulent procurement of your entry to amount to a trivial error, nor is it an error

which can be readily corrected. The panel had found that your entry had been fraudulently procured and that you had been aware of that fraud. It therefore considered that the circumstances of this case were fundamentally different from an inadvertent administrative, typographical or other minor error in an application for registration.

The panel recognises that there may be exceptional circumstances in which an entry has been fraudulently procured without the knowledge of the person concerned.

However, having determined that you were aware of the fraud in this case, the panel was satisfied that no such circumstances arose here. It therefore concluded that taking no action would be insufficient to maintain public confidence in the NMC Register and would not meet the NMC's overarching objective.

The panel next considered whether it would be appropriate to direct that your entry be amended.

In doing so, the panel carefully considered Ms Collins' submission that you had subsequently passed a CBT in the United Kingdom and that your entry could therefore be amended to reflect that legitimately obtained CBT result. It also took account of the fact that you have continued to practise as a NMC Registered Mental Health Nurse.

The panel gave careful consideration to the positive testimonials, including the evidence in relation to the standard of your clinical practice, your commitment to patient care and safety, and the 'Excellence Award' which you had received. The panel acknowledged that there had been no concerns regarding your clinical competence during this period, nor any further allegations of dishonesty or lack of integrity.

The panel considered these to be significant matters in your favour. It also acknowledged your subsequent professional history.

However, the panel reminded itself that its task is not to determine whether you would now satisfy the requirements for registration. The panel's consideration is concerned with the circumstances existing at the point of entry and what direction is appropriate, following the panel's finding that that entry had been fraudulently procured.

The panel considered that amending the entry to substitute or otherwise reflect your subsequently obtained CBT pass would not adequately address the circumstances in which you had originally obtained registration. In particular, such an amendment would not address the panel's finding that your original application had been supported by deliberately misleading information and that you had been aware of the fraud.

The panel also took account of the fact that you have maintained your denial of any fraudulent activity throughout these proceedings. The panel recognised that whilst you are entitled to deny the allegation against you, having made its finding that your entry had been fraudulently procured with your knowledge, it considered that simply amending the NMC Register to reflect your subsequent CBT pass would not adequately address the impact of that finding upon the integrity of the NMC Register.

The panel considered the overarching objective of protecting the public, including maintaining public confidence in the profession and in the accuracy and integrity of the NMC Register. It considered that members of the public are entitled to have confidence that those appearing on the NMC Register obtained their entry legitimately and satisfied the necessary requirements at the time of entry. The panel considered this to be fundamental to the purpose and integrity of professional NMC registration.

The panel concluded that allowing an entry which had been supported by deliberately misleading information to remain, although amended to reflect a subsequently obtained CBT pass, would risk undermining public confidence and trust in the accuracy and integrity of the NMC Register. The panel gave careful weight to your subsequent CBT pass, four years of practice and positive testimonials, but was of the view that it should not retrospectively remedy the fraudulent basis upon which your original entry had been obtained.

Having therefore determined that neither taking no action nor amending your entry would be sufficient or appropriate, the panel considered whether it is necessary to direct the removal of your entry from the NMC Register.

The panel was mindful of the significant consequences that removal would have for you, given that you have practised as a nurse in the United Kingdom for approximately four years and had provided evidence of positive professional practice during that period.

The panel determined that removal is necessary and proportionate in order to maintain public confidence in the accuracy and integrity of the NMC Register and the NMC as a regulator. Your original application for registration had been supported by deliberately misleading information concerning a fundamental requirement for entry onto the NMC Register, the CBT, and the panel has determined that you were aware of the fraud.

In all the circumstances, the panel determined that no lesser direction would adequately uphold the NMC's overarching objective or maintain public confidence in the integrity of the NMC Register. The panel therefore decided that the only appropriate order is to direct the Registrar to remove your entry from the NMC Register.

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.

The panel took account of the submissions made by Ms Chowdhury. She submitted that the NMC invites the panel to impose an interim suspension order to cover the appeal period and until any appeal has been resolved. She informed the panel that you would have been put on notice of this possibility in the Notice Of Hearing.

Ms Chowdhury submitted that the panel can only make an interim order if it is satisfied that it is necessary for the protection of members of the public, is otherwise in the public interest or is in your own interest. She submitted that the NMC submit that in this case,

an interim order is necessary on the first two grounds. Ms Chowdhury submitted that this panel has found that your entry has been fraudulently procured and that removal from the NMC Register is therefore the right course of action.

Ms Chowdhury submitted that in these circumstances, an interim suspension order is sought to be imposed to prevent you from practising with immediate effect.

Ms Chowdhury also referred the panel to the relevant NMC Guidance, which states the following:

‘Among the factors to be considered will be:

- where the professional concerned has been found to have participated in fraudulent activity, the public protection issues that could arise from allowing someone who has engaged in fraud to continue practising*
- whether it is consistent with the Committee’s overall decision and will maintain public confidence in the integrity of the register to allow an individual whose entry on the register has been secured by fraud to continue practising.’*

Ms Chowdhury submitted that both of these factors are applicable in this case.

The panel also took into account the submissions of Ms Collins. She submitted that an interim order is not necessary in the circumstances of this case and neither is it appropriate solely in the public interest for there to be an interim order.

Ms Collins submitted that statute builds this in the four-week appeal period, and if Parliament had intended that every case where a fraudulent entry had been determined that the nurse should be prohibited from working, it could easily have made it a requirement that as soon as a finding was made that the nurse be removed from the register immediately and prohibited from working. She submitted that informed members of the public would know that it is not an automatic finding that a nurse who has been found to have procured their entry fraudulently should be prohibited from working.

Ms Collins reminded the panel of the positive testimonials it had considered when determining the appropriate direction under Article 26(7), and of your professional history in the United Kingdom. She submitted that you have been working in the United Kingdom for approximately four years and that there had been no further concerns regarding your conduct during that period.

Ms Collins further submitted that it had been approximately three and a half years since the NMC first became aware of concerns relating to the Yunnik test centre and approximately three years since you had been identified as an individual whose test time fell within the threshold relied upon by the NMC when alleging fraudulent activity. She submitted that throughout this period, the NMC had not sought an interim order or otherwise sought to restrict your practice.

Ms Collins submitted that, during those three years, you have continued to work diligently, safely and effectively and in accordance with the NMC Code. She reminded the panel that you have been commended for your excellence, attitude and approach to nursing, and no concerns have been raised regarding your clinical competence.

Ms Collins emphasised that the relevant test is whether an interim order is necessary, rather than merely desirable. She submitted that this distinction is important given that any interim order would operate during the four-week period before the substantive direction took effect and, in the event of an appeal, during the appeal process. She reiterated that, despite having been aware of the concerns for a considerable period, the NMC had not previously considered it necessary to impose any restriction upon the Registrant's practice.

In relation to the public interest ground, Ms Collins submitted that there was a high threshold for imposing an interim order solely on that basis. She again referred to the statutory four-week period and submitted that a restriction upon practice during that period was not an automatic consequence of the panel's substantive decision.

Ms Collins invited the panel to consider proportionality and the practical consequences of imposing an immediate suspension. She informed the panel that you are scheduled to work tomorrow evening and for four days thereafter. You currently work on an acute inpatient mental health unit and are familiar with the patients, their treatment, their individual needs and their triggers. You have established relationships with those patients and worked alongside colleagues who are familiar with your practice.

Ms Collins submitted that there are no concerns regarding your clinical competence, attitude towards patients or approach to your nursing practice. She informed the panel that the ward is already experiencing difficulties with the availability of qualified nursing staff. She submitted that whilst it is acknowledged that there is no documentary evidence from your ward manager confirming this, an immediate interim suspension would leave the ward without you as a member of its nursing staff, prevent there being time for appropriate staffing arrangements to be made, with potential consequences for the patients, their families and your colleagues.

[PRIVATE]

[PRIVATE]

Ms Collins submitted that the panel should ask itself whether an interim order is necessary in light of your unrestricted practice over the past three years, your positive professional record and the absence of any clinical concerns. She submitted that the panel should also consider whether the public interest demands an immediate restriction for the short period before the substantive direction takes effect.

Ms Collins therefore invited the panel not to impose an interim order.

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

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove your entry from the Register. It also had regard to the NMC's published

Guidance on Fraudulent and Incorrect Entry cases, the NMC's Guidance on interim orders and Article 31 of the Order. 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.

The panel first considered whether an interim order was necessary for the protection of the public. It noted that you have continued to practise unrestricted for three years, during which there had been no concerns regarding your clinical competence or the safety of your nursing practice. The panel also noted that, despite the NMC having been aware of the concerns regarding your CBT for a considerable period, no interim order restriction had previously been sought. In these circumstances, this panel was not satisfied that an interim order was necessary for the protection of the public.

The panel next considered whether an interim order is otherwise in the public interest. It reminded itself of the high threshold for imposing an interim order solely on this ground and carefully considered your interests, [PRIVATE]. Despite this, the panel considered the particular circumstances of this case to be sufficiently serious to meet that threshold. The panel has found that you had knowingly participated in fraud in order to obtain the CBT result which supported your entry onto the NMC Register. The panel had also further determined that this was sufficiently serious to require the removal of your entry from the Register.

The panel considered that permitting you to continue to practise unrestricted following these findings would seriously undermine public confidence in the integrity of the NMC Register and in the NMC as its regulator. It also considered that allowing unrestricted practice pending the substantive direction taking effect would be incompatible with the seriousness of its findings and its decision to direct removal.

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.

Accordingly, the panel determined that an interim suspension order was in the public interest to protect the reputation of the profession and the NMC as its regulator.

The period of this order is for a period of 28 days, or if an appeal is made within that period, until the conclusion of that appeal, 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 she is sent the decision of this hearing in writing.

That concludes this determination.