

**Nursing and Midwifery Council
Investigating Committee**

Registration Appeal Hearing

**Monday 26 January 2026, Tuesday 27 January 2026, Tuesday 14 July 2026 &
Wednesday 15 July 2026**

Virtual Hearing

Name of Appellant:	Aderonke Adekunle
NMC PIN:	1021925942
Type of case:	Registrations appeal
Panel members:	Gary Tanner (Chair, Lay member) Karen McCutcheon (Registrant member) Alison Fisher (Lay member)
Legal Assessor:	Ian Ashford-Thom (Monday, 26 January 2026- Tuesday, 27 January 2026) William Hoskins (Tuesday 14 July 2026 – Wednesday 15 July 2026)
Hearings Coordinator:	Sabrina Khan (Monday, 26 January 2026- Tuesday, 27 January 2026) Salima Begum (Tuesday 14 July 2026 – Wednesday 15 July 2026)
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury, Case Presenter
Mrs Adekunle:	Present and represented by Catherine Collins (Monday 26 January 2026 - Tuesday, 27 January 2026 and Tuesday 14 July 2026) & Victoria Thomas (Wednesday 15 July 2026) instructed by Royal College of Nursing (RCN)
Decision:	Appeal dismissed

Decision and reasons on application to admit evidence

The panel heard an application made by Ms Chowdhury on behalf of the Nursing and Midwifery Council (NMC) to admit evidence.

Ms Chowdhury submitted that the NMC seeks the panel's permission to disclose limited information relating to your resit of the CBT in the UK, in circumstances where you have yourself raised and relied upon that resit in your evidence.

Ms Chowdhury submitted that the NMC does not ordinarily seek to rely on the timing or results of any resit examinations, and the panel has already noted that such information is not usually part of the NMC's case. However, this is an exceptional situation because you have referred to the UK resit on more than one occasion and have sought to rely on the fact that you passed it.

In particular, Ms Chowdhury submitted that:

- In the NMC main bundle, on two separate occasions you stated that you passed the UK CBT and that you wished for those results to be considered in relation to your registration.
- One of these references appears in a handwritten letter dating back to 2023, showing that this is not a new issue raised for the first time during this hearing.

Ms Chowdhury submitted that although you do not expressly refer to the precise timings of the resit in those documents, once you rely on having passed the resit and invite the panel to consider the results, the surrounding circumstances of that resit, including timing, become relevant to ensuring that the panel has a complete and accurate picture.

Ms Chowdhury submitted that it would not be fair for the panel to be told only that you passed the resit, without also being provided with contextual information that may be relevant to how the panel evaluates that evidence. She submitted that the NMC's position is therefore that it is fair and appropriate for the panel to have notice of that information so that it has the correct and full picture when assessing your evidence.

Ms Chowdhury further submitted that you would not be prejudiced by this disclosure, because you would have the opportunity to give evidence on this issue and to answer any questions about the timings both in examination-in-chief and in cross-examination. Accordingly, procedural fairness is preserved. She said that there is a further and related issue arising from a witness statement that you provided on the first day of the hearing, in which you state that when you completed the second CBT at Yunnik, you started it at around 9:20am on 28 February 2023.

Ms Chowdhury submitted that this is the first time that the NMC has seen this information, and it was not previously disclosed. In response, the NMC seeks to rely on documentary evidence from Pearson VUE, which records:

- when the CBT tests were booked, and
- in particular, the booked time and actual time at which the second CBT was taken.

Ms Chowdhury submitted that this evidence is properly characterised as rebuttal evidence, introduced solely because you have now raised a specific factual assertion about the start time of the test in your witness statement provided. She told the panel that whether this Pearson VUE data can be disclosed in full depends on the panel's decision on the first issue, namely whether resit timings can properly be referred to at all. If the panel determines that resit timings should not be referred to, the NMC would redact the relevant parts of the document. If the panel permits reference to resit timings, the document can be disclosed in full.

Ms Chowdhury submitted that in either scenario, the NMC is seeking to act fairly and proportionately, and only to place before the panel information that is necessary to respond to matters you have yourself raised.

Ms Collins submitted on your behalf that the evidence the NMC now seeks to rely upon should not be admitted or relied upon by the panel in the manner proposed by the NMC. Ms Collins submitted that following the concerns about CBT tests taken at the Yunnik test centre, the NMC wrote to all candidates who had sat their CBT there, regardless of

whether there were individualised concerns about their test. She submitted that all such candidates were invited to take a new CBT.

Ms Collins submitted that, in a letter dated 20 September 2023, the NMC expressly stated:

- that it would not draw conclusions from your new test time or the number of attempts you had taken to pass the test, and
- that it would not use this as further evidence that your CBT was obtained through fraud.

Ms Collins submitted that the letter further explained that if you felt your new test result demonstrated that you had obtained your original test honestly, you could ask the Assistant Registrar to take this into account when considering whether you met the character requirements.

Ms Collins submitted that this position was later clarified and reinforced in further correspondence and in the Registration Appeal Panel (RAP) submissions. Those materials make clear that, if an appellant or registrant believes that the time taken in a later CBT, whether in the UK or elsewhere, assists them in demonstrating that the original Yunnik test was not fraudulent, they are entitled to rely on that information. However, she submitted that the concession is that the NMC would not itself rely on new test times or number of attempts as evidence of fraud.

Ms Collins said that while you did refer to the resit and asked that the result be disclosed, you referred to it only as a pass, and you did not rely on or invite the panel to consider any specific times, scores, or locations of the resit. She submitted that you did not suggest that the speed or circumstances of the resit demonstrated anything about your abilities or explained the timing of the Yunnik test on 28 February.

Ms Collins submitted that this was also clearly understood by the NMC at the time, because in neither of the Assistant Registrar's decision letters, dated 5 December 2023 and 24 October respectively, is there any reference to resit times or scores. She submitted

that the decisions proceeded on the basis that only the fact of a subsequent pass had been mentioned, not the circumstances of that pass.

Ms Collins also referred to the information contained in the boxes on the Standard Directions Form (SDF), which state that you may rely on the information in those boxes if you feel that it assists your case. She submitted that the issue in this case is precisely that information, and that on no occasion did you rely on any specific timing information contained in those boxes.

Ms Collins submitted that, in those circumstances, you have not breached the terms of the concession by simply referring to the fact that you passed a subsequent CBT in the UK. She submitted that referring to the existence of a pass is not the same as inviting scrutiny of the timing or other details of the resit.

Ms Collins further submitted that, realistically, most candidates who appeared before the panel after Yunnik would ultimately have passed a CBT at a later date, because without doing so they would not have a valid CBT result at all, particularly in light of the evidence given by Sam Foster. Therefore, stating “*I passed*” is not unusual, exceptional, or probative; it is simply a factual statement about regulatory status, not evidence going to fraud.

Ms Collins told the panel that if you have not breached the concession, then it is neither relevant nor fair for the panel to rely on resit timing information when assessing your 2023 Yunnik test. She submitted that allowing the NMC to do so would, in effect, permit the NMC to go behind its own stated assurance that it would not use new test times or attempts as further evidence of fraud.

Ms Collins accepted that the NMC is entitled to rely fully on the timings and circumstances of the 2022 Yunnik test, and to make whatever observations or ask whatever questions it considers appropriate in relation to that test. However, that is a separate matter from introducing resit data which, by agreement and concession, should not be relied upon against you.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application.

The panel considered an application by the NMC to rely on information relating to your subsequent CBT resit, in particular the timings and scores of that resit, and to cross-examine you on that information.

The panel also considered the position of Ms Collins, who opposed the application on grounds of fairness, relevance, and reliance on the NMC's prior assurances to candidates affected by concerns relating to the YUNNIK test centre.

The panel carefully considered the documentation provided to candidates following the identification of concerns about CBT examinations taken at the Yunnik test centre.

In particular, the panel had regard to the SDF document, which stated:

"We won't draw conclusions from your new test time or the number of attempts you've taken to pass the test, or use this as further evidence that your original CBT was obtained through fraud."

The panel also noted that the same document goes on to state:

"However, if you feel your new test result demonstrates that you obtained your original result honestly, you can ask the Registration Appeal Panel to take this into account."

The panel further noted that the following page contains a table setting out scores and timings of the most recent CBT tests taken in the UK, together with wording to the effect that:

"unless the Registrant chooses to rely on that table, the NMC case presenter will not rely on it at the hearing, although the Registration Appeal Panel is not bound by that position."

The panel considered that, taken together, this information is not entirely clear and appears internally inconsistent, particularly as to whether resit timings may be relied upon, and by whom, and in what circumstances.

The panel recognised that, in principle, it is entitled to consider all information properly before it. However, the panel reminded itself that admissibility is not the sole test; the panel must also consider fairness, relevance, and the risk of prejudice.

The panel considered whether, by stating in correspondence to the Assistant Registrar that you wished your subsequent CBT pass to be taken into account, you had “*opened the door*” to reliance on the detailed timing information relating to that resit.

Having carefully considered the evidence and submissions, the panel concluded that you had referred only to the fact of having passed a subsequent CBT, and had not relied on, nor drawn attention to, the timings or scores of that test. The panel was not satisfied that you had sought to rely on that information in any detailed or technical way.

The panel also considered whether you were clearly informed, at the relevant time, that by referring to the resit you would be exposing yourself to reliance on timing data by the NMC. The panel was not satisfied that this was made sufficiently clear in the documentation provided.

In reaching its decision, the panel attached weight to the following factors:

- English was not your first language, and the panel considered that the wording of the SDF documentation was complex and potentially confusing. The panel considered this relevant when assessing whether you could reasonably be taken to have understood the procedural consequences of referring to the resit.
- It was unclear whether you had legal representation at the time you wrote the relevant letters to the Assistant Registrar. The panel considered this significant when assessing whether it was fair to conclude that you had knowingly waived the protection offered by the NMC’s stated concession.

- The documentation provided by the NMC to candidates was not clearly drafted and appeared contradictory, stating on the one hand that resit times would not be used as evidence of fraud, while on the other hand suggesting that information could be placed before the panel if relied upon by you.

The panel also noted that in many similar cases it had not been provided with resit timing information, and that cases had proceeded without such evidence being relied upon. While each case must be considered on its own facts, this reinforced the panel's view that such information is not ordinarily necessary to determine the central issues.

The panel further noted that the NMC remains fully entitled to rely upon the timings and circumstances of CBTs taken at Yunnik, and to test your evidence in relation to these examinations. The exclusion of resit timing evidence does not prevent the NMC from advancing its case based on the primary evidence concerning the test taken in February 2023.

For these reasons, the panel determined that it would not permit the NMC to rely on the timings or scores of your subsequent CBT resit in the UK, and that such information would not be taken into account in the panel's findings of fact.

Accordingly, the NMC may not cross-examine you on the timings or scores of the resit CBT; and the panel will put that information out of its mind and will not rely upon it when determining whether the original CBT was obtained through fraud.

The panel is satisfied that this approach best serves the interests of fairness and proportionality, and is consistent with the assurances given by the NMC to candidates affected by the Yunnik investigation.

Background

On 16 March 2023, Pearson VUE, the 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 (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 NMC's initial investigation into this issue it concluded that there was evidence of widespread fraud at the Yunnik centre from March 2019 until the end of March 2023, 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. Pearson VUE confirmed that, following a detailed investigation into the testing facility at Yunnik and review of the data, Pearson VUE 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 next asked an independent data analytics expert of OAC Limited, Richard Steele, 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 the CBT comprises:

- Part A (numeracy): time allowed 30 minutes; and
- Part B (clinical): time allowed 2 hours 30 minutes.

Part B has field-specific versions (e.g., adult/child/mental health), though the evidence indicates that 90% of Part B is generic nursing content and 10% field-specific. The clinical test draws from a large item bank; question order and answer options are randomised; and retakes generate different test forms linked to a candidate number. Candidates are permitted three attempts.

The NMC's evidence also refers to admissions received from some Yunnik test takers from around November 2023, describing proxy assistance in different forms and, in some

cases, intimidation and payments. The NMC relies on these admissions as corroboration that the extraordinarily quick test times at Yunnik are explained by fraudulent human behaviour rather than technical causes.

Your CBT history at Yunnik is said to be as follows:

‘RNA: 20 July 2022

Numeracy: 25 minutes (Time allocated for test: 30 minutes)

Clinical: 94.9 Minutes (Time allocated for test: 150 minutes)

RNMH: 28 February 2023

Numeracy: 3.23 minutes (Time allocated for test: 30 minutes)

Clinical: 6.08 Minutes (Time allocated for test: 150 minutes)’

Comparing your Registered Nurse Mental Health (RNMH) 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 first considering your application to the register, the Assistant Registrar took into account the following documentation:

- *‘Your completed application*
- *Expert reports by Richard Steele Head of Data Analytics at OAC*
- *Witness statements of Bryan Friess, Director of Information Security and Security Services at Pearson VUE*
- *Witness statements of Sam Foster, Executive Director of Professional Practice at the NMC*
- *Your email dated 20 November 2023’*

You made a second application which was further refused.

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

- *‘Your completed application*
- *My previous letter to you dated 5 December 2023*
- *The ‘evidence bundle’ consisting of:*
 - *Expert reports by Richard Steele, Head of Data Analytics at OAC*
 - *Witness statements of Bryan Friess, Director of Information Security and Security Services at Pearson VUE*
 - *Witness statements of Sam Foster, Executive Director of Professional Practice at the NMC*
 - *Witness statements of Registrant A and Registrant B*
 - *Email from Pearson VUE dated 29 September 2025’*

From you:

- Your initial statement, undated
- Further statement from you, undated
- Your reflection on the CBT exam, undated
- Reference from Amy Foster, undated
- Reference from Adegbenro Joshua Ayooluwa, undated
- Reference from Martha Asemota dated 2 March 2025
- Reference from Kylie McQuade dated 15 July 2025
- Reference from Lindsay Hanlon dated 30 July 2025
- Reference from Heather Dawson dated 15 July 2025

Your evidence (across statements and correspondence) includes that you chose Yunnik because it was closest to your workplace, you prepared through study and online resources (including a study group), and you deny any fraud and say you completed the CBT independently. You also refer to having passed a UK CBT resit, which you ask to be considered.

There is also documentation and evidence addressing your account of interruptions/power issues during the second Yunnik CBT. An email from Pearson VUE dated 29 September 2025 states that there were no power outages on the relevant date, and Bryan Friess' evidence explains that where an interruption occurs, the exam timer would pause, and Pearson VUE would receive notification if an exam did not complete.

The Assistant Registrar considered your explanation. 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 24 October 2025 you were informed that the Assistant Registrar had refused your second application onto the register.

Evidence

The panel also took account of documentary evidence submitted by the NMC for this appeal, the oral evidence and witness statement from the following witness on behalf of the NMC:

- Bryan Friess: Director of Information Security and Security Services at Pearson VUE.

In addition to the evidence provided by you to the Assistant Registrar, the panel took account of your evidence prepared for this appeal, and your oral evidence given under oath.

Submissions

Ms Chowdhury submitted that the burden of proof rests with the NMC and that the applicable standard of proof was the balance of probabilities. She said that it was unnecessary for the panel to determine the precise methodology by which any fraud had

been committed or the reasons why an appellant may have chosen to use a proxy test taker. She submitted that the relevant question was whether your CBT result had been fraudulently obtained, regardless of the mechanism involved. She referred the panel to the generic evidence, submitting that it demonstrated widespread fraudulent activity at the Yunnik test centre. She relied upon the evidence of Mr Friess regarding the integrity and reliability of the Pearson VUE data and the statistical evidence demonstrating exceptionally fast completion times at the Yunnik test centre when compared with the global benchmark population. She submitted that the statistical anomalies could only sensibly be explained by fraudulent activity and referred the panel to the documentation containing witness accounts and admissions made by other candidates, which she submitted corroborated the expert statistical evidence.

Turning to the specific evidence, Ms Chowdhury submitted that your completion times and examination scores were exceptionally unusual. She highlighted the significant disparity between your first CBT timings and scores and the second test which was the subject of the appeal, submitting that your performance had changed from average completion times to completing the examination in an exceptionally short period whilst achieving full marks in the numeracy section. She submitted that this was not realistically consistent with an honest candidate completing the examination independently.

In relation to your oral evidence, Ms Chowdhury submitted that it was inconsistent and, at times, contradictory. She said that whilst you maintained that you had undertaken extensive preparation, this did not explain the exceptionally short completion times recorded during the second CBT. She further submitted that your explanation regarding the timing of the examination, the alleged power disruption and your account of events at the test centre were inconsistent with the objective evidence. She referred the panel to the documentation confirming that no power outage affecting the examination had been recorded and she relied upon Mr Friess' oral evidence that any interruption would have been identified within the Pearson VUE system and would not have affected the recorded examination times.

Ms Chowdhury submitted that, whilst your subsequent successful completion of the CBT in the United Kingdom demonstrated that you are capable of passing the examination, it did not undermine the evidence that the earlier CBT result had been obtained by fraud.

She submitted that, considering the generic evidence, the statistical evidence, the specific evidence relating to you and the oral evidence heard during the appeal, the NMC had discharged the burden of proof. Accordingly, Ms Chowdhury invited the panel to dismiss the appeal and uphold the Assistant Registrar's decision.

Ms Collins submitted that, whilst you bore the burden of satisfying the panel that you are fit to be admitted to the register and capable of safe and effective practice, the burden of proving fraud remained with the NMC. She submitted that the NMC was therefore required to establish, on the balance of probabilities, that you had engaged in fraudulent conduct during the CBT examination.

Ms Collins submitted that the panel should exercise caution when relying upon the generic evidence and the authorities concerning Test of English for International Communication examinations (TOEIC), noting that those cases involved voice recognition evidence, whereas the present case relied primarily upon examination timings. She submitted that the statistical evidence alone was insufficient to establish fraud in your individual case.

She submitted that the mechanism by which the alleged fraud occurred was of central importance in this appeal. She referred the panel to Mr Friess' oral evidence, in which he accepted that alternative methods of fraud were theoretically possible, including circumstances in which a candidate may have been unaware that fraudulent activity was taking place. She said that this undermined the NMC's assertion that you must have knowingly used a proxy test taker.

Ms Collins referred the panel to the documentation demonstrating inconsistencies within the admissions made by other candidates regarding how the alleged fraud operated at the Yunnik test centre. She submitted that there was no single, consistent method by which the fraud had been carried out and argued that the NMC had undertaken no meaningful analysis of those differing accounts before drawing conclusions in your case.

Turning to your evidence, Ms Collins submitted that you had been consistent throughout the investigation and appeal in maintaining that you commenced your examination earlier than the recorded start time due to difficulties experienced at the test centre. She submitted that aspects of your account had been independently corroborated by

documentation confirming that alternative procedures had been required to complete the registration process on the day of the examination. She said that this supported your credibility and demonstrated that your account had not been properly investigated by the NMC.

Ms Collins submitted that you had previously passed the CBT, had undertaken extensive preparation before the second examination and had continued to demonstrate commitment to your professional development. She referred the panel to your documentation containing testimonials from colleagues and supervisors, which consistently described you as honest, trustworthy and possessing integrity. She submitted that this evidence supported both your suitability for registration and the credibility of your account.

Finally, Ms Collins submitted that the panel must consider whether the NMC had proved that you had knowingly acted dishonestly. She said that, if the panel accept that you genuinely believed you completed your own examination, it could not properly conclude that you had acted dishonestly. Taking the evidence as a whole, she submitted that the NMC had failed to establish fraud on the balance of probabilities and invited the panel to allow the appeal, quash the Assistant Registrar's decision and direct that you be admitted to the register.

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 the Yunnik Centre. The panel found the evidence before it to be cogent and credible.

The panel was satisfied that there was compelling generic evidence demonstrating that widespread fraud was taking place at the Yunnik test centre during the relevant period. It had regard to the agreed facts between the NMC and the RCN, which stated:

'...If one excludes Yunnik, almost no one in the entire world completed Part B of the 2021 CBT in under 20 minutes – on the graph of global tests excluding

Yunnik, there is a smooth bell curve which begins to increase around 20 minutes...By contrast at Yunnik, the most common times were under 20 minutes – the graph for Yunnik has a spike which peaks around 10 minutes. In other words, the most common times at Yunnik were more than twice as quick as the times anywhere else in the world.'

The panel placed significant weight on the Pearson VUE evidence provided by Mr Friess regarding the integrity and reliability of the examination data. It also relied upon the independent statistical analysis prepared by Richard Steele, including the comparative data, graphs and time distribution plots for candidates worldwide, other Nigerian test centres and the Yunnik test centre. The panel noted that the time distribution at Yunnik was markedly different from both the global data and the data from other Nigerian centres, demonstrating an exceptional concentration of unusually fast completion times.

The panel also considered the anonymised witness evidence, together with the admissions made by candidates who accepted they had used proxy test takers at the Yunnik test centre. Whilst recognising that the methods described varied, the panel considered these admissions to be consistent with the existence of widespread fraudulent activity rather than undermining it. It further noted that there were a substantial number of admissions relating to proxy use at the centre.

The panel also noted the evidence of Bryan Friess 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 Registrant A and Registrant B, although hearsay in nature, provide contextual evidence that proxy activity was taking place at the Yunnik test centre during the period in question. The panel also considered that whilst these do not provide direct evidence of the day you took your test at Yunnik they do provide further contextual evidence to support the proposition of fraudulent activity at Yunnik.

In considering your assertion that power outages and internet failures contributed to issues with your test, the panel accepted Bryan Friess' evidence that there were no software faults or technical issues affecting the integrity of the examination data on 28 February 2023. Having considered all of the generic evidence collectively, the panel was

satisfied, on the balance of probabilities, that there was widespread fraud occurring at the Yunnik test centre during the relevant period.

The panel next considered whether it is more likely than not that you used a proxy test taker on 28 February 2023 to obtain a satisfactory test result from the Yunnik centre in Ibadan, Nigeria. The panel bore in mind your evidence of previous good character.

The panel carefully considered your explanation that you commenced the examination earlier than the recorded start time and that the recorded timings were therefore inaccurate. However, the panel was not persuaded by this explanation. The time stamp on the computerised records clearly stated that the examination began at 9.40am. It noted that whilst you stated you paid close attention to the time before entering the examination room, which you said was 9.20am, you accepted that you did not check the time when you left, despite there being a large clock in the waiting area. The panel found this difficult to reconcile with your evidence that you habitually timed yourself when undertaking practice examinations.

The panel then went on to consider your test scores and the logistics of you being able to do it so quickly. The panel considered Richard Steel's analysis of your specific data, which provided the following odds of how achievable your test times were:

'Evaluated Clinical Timing: 6:08 minutes; Odds less likely than 1 in 56,478'

'Evaluated numeracy Timing: 3:23 minutes; Odds less likely than 1 in 58,123'

The panel accepted that the examination data placed before it related to your examination at Yunnik on 23 February 2023. It placed significant weight on the Pearson VUE records linking your examination data to your unique candidate identification and was satisfied that the recorded times accurately reflected your examination.

The panel attached considerable weight to the statistical evidence relating to your completion times. It noted the exceptionally low probability of an honest candidate completing both the numeracy and clinical sections within the recorded times. In particular, the panel found it significant that 63 questions had been answered within two to four

seconds each. The panel considered it implausible that a candidate could consistently read, understand and answer questions accurately within such a short period.

The panel also compared your second CBT with your first CBT completed on 20 July 2022 at the same test centre. It noted that, during your first examination, you took substantially longer to complete both sections of the assessment.

‘Evaluated Clinical Timing: 94:92 minutes; Odds 1 in 2.01’

‘Evaluated Numeracy Timing: 25:0 minutes; Odds 1 in 1.4’

Whilst you attributed the improvement to extensive preparation and practice materials, the panel was not persuaded that this adequately explained the dramatic reduction in completion times from approximately 120 minutes to approximately 10 minutes. The panel noted that the same practice materials were available to candidates worldwide, yet no comparable pattern of exceptionally fast completion times was observed outside the Yunnik test centre.

The panel further considered your explanation as to the reason behind the fast times of completion which you stated was that you had been trained to do Multiple Choice Questions (MCQs) and CBTs quickly and that *‘time was of the essence’*. This was contradictory to your approach to the Adult Nursing CBT sat on 20 July 2022 where you stated that you took the time to go back and check your responses. The panel also found it implausible that someone, such as yourself, a senior and experienced nurse, taking an examination of great personal importance would change their previous successful approach to CBT examinations and not take the time to check their responses.

The panel also considered your suggestion of potential fraudulent activity of which you were unaware whilst you took your test on 28 February 2023. It concluded that this was implausible given the evidence available from Bryan Friess.

The panel further considered your academic background, previous examination performance and practice test results. Whilst it was satisfied that you were a capable candidate who had undertaken significant preparation, the panel did not consider the

evidence demonstrated that you were an exceptional candidate capable of achieving the recorded completion times without assistance.

Taking the evidence as a whole, including the compelling generic evidence of widespread fraud at the Yunnik test centre, your exceptionally fast completion times and the statistical improbability of those results being achieved honestly, the panel concluded that the only plausible explanation was that you more likely than not knowingly obtained your CBT result through the use of a proxy test taker.

Finally, the panel went on to determine whether you meet the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character, in particular '*Factors that we take into account when considering character cases*', last updated on 5 September 2024. The panel was aware that it was for you to satisfy the panel that you met the character requirements for successful admission on the register.

The panel carefully considered the positive testimonials and references provided on your behalf, together with the evidence of your professional experience, previous practice and subsequent successful completion of the CBT in the United Kingdom. The panel accepted that these documents spoke highly of your clinical ability and professional reputation. However, the panel concluded that these positive factors could not outweigh its finding that, on the balance of probabilities, you had obtained your earlier CBT result through fraudulent means.

The panel had regard to the NMC Guidance '*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 considered that attempting to gain admission to the register by relying upon a fraudulently obtained examination result was fundamentally inconsistent with the standards of honesty and integrity expected of registered nurses under the NMC Code. The panel concluded that you had failed to satisfy it that you had met the character requirements for admission to the register.

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