

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday 12 March 2026 – Friday 13 March 2026**

Virtual Hearing

Name of Appellant: Mary Adio

NMC PRN: 1022535463

Type of case: Registrations appeal

Panel members: Michael Robert McCulley (Chair, Lay member)
Hayley Ball (Registrant member)
Reni Aina (Lay member)

Legal Assessor: Richard Ferry-Swainson

Hearings Coordinator: Emily Mae Christie

Nursing and Midwifery Council: Represented by Uzma Khan, Case Presenter

Ms Adio: Present and unrepresented

Decision: **Appeal dismissed**

Decision and reasons

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council (NMC).

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the Assistant Registrar, dated 29 May 2025, that you did not meet the character requirements for registration to the NMC register.

Background

On 16 March 2023, Pearson VUE, the NMC's computer-based test (CBT) provider, 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, 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 (OAC), Witness 5, to provide the NMC with an objective analysis of the data provided by Pearson VUE. OAC examined the times taken by CBT candidates at Yunnik to achieve their CBT pass, compared with those taken by CBT candidates at other test centres in Nigeria and globally. Using this data, OAC then calculated the probability that each CBT candidate at Yunnik could achieve their CBT pass within the time it took them to complete the test. OAC's analysis of the data supports Pearson VUE's conclusion that there may have been

widespread fraudulent activity at Yunnik, probably through a proxy tester acting on behalf of test candidates.

The data in relation to your CBT on 31 January 2023, shows that you achieved a pass in your test(s) in the following time(s):

- Numeracy: 6.80 Minutes (Time allocated for test: 30 minutes).
- Clinical: 5.98 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your tests with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your tests within the time 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.

You were invited to resit your CBT, which you undertook on 25 October 2023 and 28 November 2023.

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

'From the NMC:

- *Your completed application*
- *The 'evidence bundle' (which has been provided) consisting of:*
 - *Witness statements and exhibits of Bryan Friess, Director of Information Security and Security Services at Pearson VUE.*
 - *Expert reports by Richard Steele, Head of Data Analytics at OAC.*
 - *Witness statements and exhibits of Sam Foster, Executive Directors of Professional Practice at the NMC.*
 - *Witness statements and exhibits of Registrant A and Registrant B.*

Documents from you which include:

- *Response to the concern around your CBT result, email dated 13 May 2025 and 14 May 2025.*
- *The CBT results of 25 October 2023 and 28 November 2023.*
- *[Your] OSCE result.*
- *IELTS Result dated 23 September 2023.*
- *Police Reports dated 14 January 2025.*
- *Report of Good Standing from the NMC of Nigeria.*
- *Health Declaration.*
- *Six CBT Study Materials and Pearson VUE Mock Tests.*
- *BLS Provider Certification.*
- *Level 3 Diploma in Health & Social Care + Care Certificate Standards, Mental Health.*
- *Copy of International Passport.*
- *Registered Mental Health Psychiatric Nurse certificate.*
- *References including those from School of Psychiatric Nursing, Aro, Abeokuta, Ogun State, Nigeria and Babcock University Teaching Hospital, Illisan Ogun State, Nigeria.'*

The AR correspondence to you stated that *'you sat the adult nursing (sic) CBT at the Yunnik test centre in January 2023. On that occasion, you said there were no abnormalities at the test centre and identification checks were conducted. You said you were guided to a testing room by a male invigilator and you worked alone without pressure and noticed nothing unusual.'*

The Assistant Registrar considered your explanation.

'You have set out that your experience in nursing and rigorous preparation led to the scores and times achieved at the CBT exam. However, this doesn't explain how you were able to obtain your test result from Yunnik in the time you did when comparing it against times taken by candidates globally (excluding Yunnik).

I also noted the test activity of other candidates taking their CBTs at Yunnik on the same day as you, near to the time you sat your CBT exam. I noted that other candidates also had very quick test times, and this was of concern to me.

I've also considered the information in your reflection and the mind set regarding a "zero-tolerance stance on examination malpractice."

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 29 May 2025, you were informed that the Assistant Registrar had refused your application to join the register. You appealed the decision on 6 June 2025, within the 28-day time limit.

Evidence

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

- Witness 1: Band 5 nurse in the UK who provided her experience sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience sitting an exam at Yunnik.

- Witness 3: Employed by the NMC as the Executive Director of Professional Practice.
- Witness 4: Director of Information Security and Security Services at Pearson VUE.
- Witness 5: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.
- Witness 6: Employed by the NMC as the Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.
- Witness 7: Employed by the NMC as the Assistant Director for CBT and a member of the Executive Team for Professional Regulation.

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

- Your workplace at the time's January Duty Roster, dated 1 to 31 January 2023;
- Two photos at the train station in Ibadan on 31 January 2023;
- Your email explaining your attempts to retrieve CCTV footage from Yunnik, dated 12 June 2025; and
- Your email outlining further grounds of appeal, dated 27 June 2025.

The panel also took into account your oral evidence given under oath.

You told the panel that you have always taken your exams yourself and have never used a proxy. You explained that the allegation of fraud is based on unusually short test completion times, which you argue is not credible evidence compared with the substantial proof that you have provided.

You outlined the evidence you had provided to the panel, which you explained demonstrates that you did not use a proxy. You told the panel that the rota from your workplace for January 2023 shows that you were off duty on 31 January 2023, specifically to travel to sit the CBT. You informed the panel that the photographs exhibited show that you were at Ibadan train station on the day of your test. You also explained that your CBT results from October and November 2023 show that you resat the CBT, achieving similar results to those you achieved when you completed the CBT at Yunnik. You referred the panel to your successful OSCE, which you undertook in the UK in February 2025, as well as references which evidence your good character and that you have no previous disciplinary history.

You told the panel that there is no direct proof of fraud, as the Yunnik centre has been unable to provide any CCTV evidence or invigilator reports, which you have unsuccessfully sought. You submitted that the NMC's case relies solely on timing statistics. You invited the panel to consider all of your evidence in full and allow your appeal.

During cross-examination, Ms Khan asked you a number of questions.

You started preparing for your CBT in 2021 after you completed your nursing exam. You prepared by gathering past questions, reading textbooks and using notes from school. You were working full-time but had days off, and you would study a minimum of 4 hours per day. You confirmed that when you completed practice tests, you wouldn't time yourself. The CBT was important to you for obtaining your nursing registration in the UK. You told the panel that you got your past questions from colleagues, but other than that, you didn't prepare with colleagues. When you finished your exam, you discussed it with friends and colleagues.

You chose to take your test at Yunnik as it was available on the date you wanted and was easy to get to from where you were staying. You booked the exam on the NMC portal and paid for it that way. You knew there were other centres in Ibadan, but you didn't check their available dates. You hadn't been to Yunnik before, but knew Ibadan generally. It took you about an hour to travel to Ibadan, but it was a 35-minute train ride from where you were living at the time.

On the day of your CBT, you explained that your exam was at 12:00, but you left home at 8:00 and arrived after 09:00. You took a motorcycle from the station and arrived around 9:30, but you weren't sure. You were asked why the timestamp on the photo of you at Ibadan station was at 10:30. You explained that this was three years ago and that you weren't sure. You were asked about what you did for three hours between taking the photo and starting your exam. You explained you weren't sure and reiterated that it was three years ago.

When you arrived at the test centre, you were the only one waiting in reception. You explained that you showed them your emails, handed over your bag, and completed verification, which took around 10 to 15 minutes. You then started immediately after this. You confirmed that no one was standing near you in the exam room when you started. You confirmed that one other person was in the exam room doing their own exam.

You explained that you went from the first part of the exam straight into the second part, as you didn't need a break. You said that you didn't check your answers because you were confident and familiar with the questions, and you also didn't review them when you resat the CBT in October and November 2023. You attributed your speed to being well prepared. You accepted that the recorded CBT times were quick due to the two years of preparation you had undertaken, and it was you who achieved the score that you did in the quick time when you sat your CBT in Yunnik.

You were asked how you managed to answer 68 questions within two to four seconds. You explained that you would skim-read the questions and were familiar with the answers, so you didn't read them in full. It was put to you that four seconds was very quick to read a question, which you accepted, but said it's quicker when you read in your head.

You said you didn't know the exact time once you had finished, and on leaving, you retrieved your phone and went back to the train station. You confirmed that no one approached you at the Yunnik test centre to pressure you, and no one asked you to pay extra money.

You told the panel that the exam centres where you did your resit were similar to the one in Yunnik and you didn't notice anything untoward. You were asked why your resit scores were lower and also slower. You explained that you didn't prepare for your first resit in October 2023, which is why you failed the clinical part. You prepared for your second resit in November 2023 by reading your books and reviewing some past questions. You were asked why you failed the OSCE the first time, and you explained that it was a small mistake, but you passed when you retook it.

Throughout your evidence, you strongly denied using a proxy and any fraudulent behaviour.

Following your evidence, the panel heard closing submissions from Ms Khan and you.

The panel then heard and 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 widespread fraud was occurring at the Yunnik Centre.

The panel first had sight of the Pearson VUE data analysis provided by Witness 4 and the independent data analysis provided by Witness 5. This included tables of data and graphs showing the times taken globally and at other centres in Nigeria to complete the CBT, compared with the times achieved at Yunnik. It noted that this data and analysis identified patterns of quick test times that were not observed at other testing centres, nationally or globally. The panel also noted that, in the data analysis of Witness 5, the use of proxies

increased during 2022 and 2023 to the point that the data suggests there may have been more than one proxy tester at Yunnik.

The panel also considered the witness statements of both Witness 1 and Witness 2. It noted that Witness 1 accepts that she used a proxy as she felt pressured to do so. Witness 2's experience was different as she stated she did not use the proxy at the test centre. However, she stated that she was being shouted at with answers, threatened and felt pressured. The panel considered that both witness statements provided some contextual background as to fraudulent activity occurring at the Yunnik test centre on the dates they attended.

The panel also took into account the evidence of Witness 6, who exhibits an ongoing record kept by the NMC of individuals who have come forward and made admissions to using a proxy tester at the Yunnik centre. This record currently contains admissions from 37 individuals. The panel noted that there are 12 admissions from individuals who sat their CBT between January and March 2023, which is within the time you completed your CBT. The panel determined that, whilst these witnesses are anonymous and the evidence of their experiences is hearsay, the volume of the admissions and the similarity of their accounts gave this evidence greater weight.

In light of all of this, 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 and in a variety of different ways, occurred at the Yunnik test centre.

The panel went on to determine whether the NMC could prove on the balance of probabilities that you had obtained your CBT results through fraud. As the panel was considering the decision of the AR afresh, it determined that, although it would take your grounds of appeal into account, it would not be necessary to go into detail on each of them.

The panel first established that, whilst it is alleged that you used a proxy, there is no evidence before it to show that you were not present at your CBT on 31 January 2023. However, it noted that a number of other candidate accounts explain that whilst they were

present at the Yunnik test centre to sit their CBT, proxies would be operating in multiple different ways.

The panel next considered that although the NMC's case is that you obtained both parts of the CBT fraudulently, due to your numeracy score being just outside of the NMC benchmark, it would be best to consider each part separately. Therefore, the panel first considered whether the clinical part of your CBT was obtained using a proxy tester

The panel first considered Witness 5's analysis of your specific data for the clinical part of the CBT, which provided the following odds of how achievable your test times were:

'Evaluated Clinical Timing...: 5.98 minutes: Odds less likely than 1 in 56,478.'

The panel also considered the comparative data exhibited by Witness 5 for your test time. It noted that zero of 56,478 candidates globally completed this part of the CBT within five or six minutes. This was the same with zero of 8,482 candidates in Nigeria, excluding the Yunnik centre, who completed this part of the CBT in the same time. However, the panel noted that at the Yunnik centre, 25 candidates completed their CBT within five minutes, and 93 completed it within six minutes. When benchmarked against established performance data, these timings were identified as statistically abnormal. This comparison strongly suggested that proxy activity was more likely than not to have taken place.

In Witness 5's breakdown of the time spent to complete 100 questions, it is stated that you took 2 to 4 seconds to complete 68 questions; 4 to 6 seconds to complete 19 questions; 6 to 8 seconds to complete 8 questions; 8 to 10 seconds to complete 2 questions; and 12 to 14 seconds to complete 3 questions. The panel noted that in total, you took 210 seconds to complete two-thirds of the questions in the clinical part. In relation to this, the panel took into account Ms Khan's cross-examination, during which she read out a question that you accepted took her longer than four seconds to read. Furthermore, it accepted Ms Khan's submissions that it would be cognitively difficult to answer questions this quickly and achieve the result you did.

The panel noted that two other candidates who were highlighted to be outliers took their test within 52 minutes of yours, and along with you, completed it unusually quickly. This raised concerns for the panel and suggested that a proxy tester may have been used that day. Given the history of fraud at the testing centre, it is very unlikely that three candidates sitting for the exam at the same time could complete it so rapidly without the use of a proxy.

The panel also took into account the evidence of Witness 6, who exhibits an ongoing record kept by the NMC of individuals who have come forward and made admissions to using a proxy tester at the Yunnik centre. This record currently contains admissions from 37 individuals. The panel noted that between January 2023 and March 2023, there were 12 admissions from individuals who used a proxy tester at Yunnik. In light of this, the panel was of the view that it was more likely than not that a proxy tester was in use at the Yunnik centre on the day of your test.

The panel took into account your evidence. It noted that you said you spent 4 hours per day over 2 years, which is why you say you were able to complete your CBT so quickly. It also took into account the practice material that you provided. However, the panel took into account that you needed to resit the clinical part of the CBT more than once in order to pass. It noted that on 25 October 2023, you failed this part of the CBT, scoring 59 in 93.6 minutes. When you completed your second resit, you passed with a score of 72 in 94.93 minutes. Although you explained that you did not pass the first time because you were unprepared for the initial resit, the time it took to complete both of your resits was 16 times longer than your exam at Yunnik. The panel noted that you explained in oral evidence that you did not review your answers during your resits, which was the same method you used during your CBT at Yunnik. The panel considered that your resit time meant it took you, on average, 58 seconds to answer each question, which was a significant difference from your exam at Yunnik. The panel concluded that you were unable to provide any reasonable and cogent explanations as to how you achieved such exceptional speed in completing your CBT without fraudulent means.

In bringing all of these circumstances together, the panel was satisfied that, on the balance of probabilities, it was more likely than not that you used a proxy test taker in

obtaining a satisfactory test result for the clinical part of your CBT from the Yunnik centre in Ibadan, Nigeria.

The panel went on to consider whether, on the balance of probabilities, the numeracy part of your CBT was obtained using a proxy tester.

The panel first considered Witness 5's analysis of your specific data for the clinical part of the CBT, which provided the following odds of how achievable your test times were:

'Evaluated Numeracy Timing...: 6.8 minutes: Odds 1 in 533.24'

The panel also considered the comparative data exhibited by Witness 5 for your test time. It noted that 47 of 58,123 candidates globally completed this part of the CBT within six minutes, and 3 of 8,758 candidates in Nigeria, excluding the Yunnik centre, who completed this part of the CBT in the same time. However, the panel noted that at the Yunnik centre, 523 candidates completed their CBT within six minutes.

The panel noted that the time you took in completing the numeracy part of the CBT was outside of the NMC's threshold; however, the NMC's case remains that you obtained it fraudulently. The panel considered that a nurse already working in a clinical setting, undertaking drug calculations frequently, may be able to complete this part of the CBT within 6.8 minutes. Especially as there are only 15 questions, you can use a calculator, and the questions relate to clinical calculations. However, it considered your evidence and noted that you retook the CBT on 25 October 2023, passing with a score of 93 in 16.22 minutes, which was three times longer than the time it took you at Yunnik.

The panel noted that two other candidates took their test within 52 minutes of yours, and all finished it unusually quickly. One finished this part within three minutes, and another finished this part within five minutes. This raised concerns for the panel and suggested that a proxy tester may have been used that day. Given the history of fraud at the testing centre, it is very unlikely that two other candidates sitting for the exam at the same time could complete it so rapidly without the use of a proxy.

The panel also took into account the evidence of Witness 6, who exhibits an ongoing record kept by the NMC of individuals who have come forward and made admissions to using a proxy tester at the Yunnik centre. This record currently contains admissions from 37 individuals. The panel noted that between January 2023 and March 2023, there were 12 admissions from individuals who used a proxy tester at Yunnik. In light of this, the panel was of the view that it was more likely than not that a proxy tester was in use at the Yunnik centre on the day of your test.

In bringing all of these circumstances together, the panel found that on the balance of probabilities, it was more likely than not that you used a proxy test taker in obtaining a satisfactory test result for the numeracy part of your CBT from the Yunnik centre in Ibadan, Nigeria.

In conclusion and taking into account its finding that there was widespread fraud occurring at the Yunnik test centre, the panel was satisfied that, on the balance of probabilities, it was more likely than not that both parts of your CBT test results obtained at the test centre had been obtained through fraud.

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, principally that you are capable of safe and effective practice. This is underpinned by the NMC Code of Conduct at 20.2: '*You must act with honesty and integrity at all times.*' In the panel's judgement, fraudulent conduct is incompatible with UK registration as a nurse on the grounds of public protection and in the wider public interest.

The panel took your evidence into account, specifically regarding your two character references. The panel noted that one related to your time as a student nurse, and the other was from a previous employer in Nigeria from January 2022 to December 2024, which were positive in regards to your character.

However, in light of the panel's findings, in relation to your obtaining CBT result fraudulently, the panel determined that you have not proved on the balance of probabilities that you meet the good 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 your application to the NMC register.

You have the right to appeal this decision. If you appeal the decision, you must submit your appeal to the county court within 21 days of this decision.

This will be confirmed to you in writing.

That concludes this determination.