

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday, 5 February 2026 – Monday, 9 February 2026**

Virtual Hearing

Name of Appellant: **Aderonke Morayo Aiki**

Type of case: Registrations appeal

Panel members: Godfried Attafua (Chair, registrant member)
Georgia Kontosorou (Registrant member)
Darren Rice (Lay member)

Legal Assessor: Lizzy Acker
Michael Bell (6 February 2026)

Hearings Coordinator: Stanley Udealor

Nursing and Midwifery Council: Represented by Mousumi Chowdhury, Case
Presenter

Ms Aiki: Present and represented by Victoria Thomas,
counsel instructed by the Royal College of
Nursing (RCN)

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 have appealed the decision of the Assistant Registrar, dated 16 April 2025, who refused your application to join the NMC register as they were not satisfied that you meet the character requirements to be considered capable of safe and effective practice

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 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 results. 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 then engaged Mr 1, an independent data analytics expert of OAC Limited, to provide it with an objective analysis of the data provided by Pearson VUE. OAC looked at the times in which CBT candidates at 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 Pearson Vue raw data provided to Mr 1 had your CBT times as follows:

- Numeracy: 5.72 minutes (Time allocated for test: 30 minutes)
- Clinical: 14.67 Minutes (Time allocated for test: 150 minutes)

Following the data analysis from Mr 1, in relation to your CBT, excluding the time taken in introductory and review spent, he cited your actual CBT times as follows:

- Numeracy: 5.20 minutes (Time allocated for test: 30 minutes)
- Clinical: 13.57 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 genuine pass in your tests within the time it took you to complete them without the use of a proxy test taker.

Taking into account the time in which your tests were taken, in a centre in which the NMC allege there to have been widespread fraudulent activity, it was considered by the NMC to be more likely than not that your CBT result was obtained fraudulently.

When considering your first application to the register, the Assistant Registrar, in their letter dated 16 April 2025, took into account the following documentation:

From the NMC:

- Your completed application
- The 'evidence bundle' consisting of:
 - Mr 1's expert reports
 - Witness statement of Witness 5 from Pearson VUE
 - Witness statement of Ms 2 of the NMC

- Witness statements of Witness 1/Registrant A and Witness 2/Registrant B
- Other test activity at Yunnik on the date you sat your test

From you:

- Your response on 1 April 2025 which included your Examination Report in relation to your CBT resit exam

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 determined that you did not meet the character requirements to be considered capable of safe and effective practice and therefore refused your application

On 6 May 2025, you appealed the decision of the Assistant Registrar in a Notice of Appeal.

Evidence

The panel heard live evidence from the following witnesses called on behalf of the NMC:

- Witness 3: Nursing Education Adviser at the NMC
- Witness 4: Assistant Director CBT at the NMC
- Witness 5: Director of Information Security and Security Services at Pearson VUE

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

- Written statement
- Character references.
- Your Curriculum Vitae (CV)
- Practice materials

- Certificates of registration for Psychiatric Nursing, Midwifery and Nursing respectively
- Transcript of training for post basic psychiatric nursing.

The panel also heard evidence from you under affirmation.

You stated that you conducted the research of potential CBT centres together with your husband. Although you live in Lagos, you stated that your husband wanted you to undertake your CBT in Ibadan in order to avoid the chaos and traffic in Lagos. You asserted that you chose Yunnik because it was the nearest centre and a walking distance to your husband's address in Ibadan when you entered the address on Pearson Vue's website centre search. You stated that you were not surprised to learn that your CBT was scheduled to be held on the next day after your registration on 5 April 2022. You explained that you did not think it was unusual as it could be that the centre did not have many candidates.

You stated that, as part of your preparation for the CBT, you attended online classes on WhatsApp and Telegram. You asserted that you did not know any of the other candidates on the social media sites as you did not engage in any interaction with them. You stated that it was merely a study group, and you did not ask any of them about their CBT centres. You explained that, in Nigeria, such international exams or arrangements for relocation are usually done in secrecy. Thus, you did not inform your work colleagues nor any of your friends in Nigeria about your CBT or your plans to register as a nurse in the United Kingdom (UK).

In your response to the witness statement of Ms 4 [PRIVATE], you told the panel that you did not state in your written statement that you travelled to Ibadan with your children at the time of your CBT. You explained that you were entitled to six-week work leave at that time and you utilised such time to travel to Ibadan to stay with your husband. [PRIVATE] However, at the time of your CBT, you did not travel with your children to avoid distractions in the course of your preparation for your test. You stated that you left your children with your extended family members when you travelled to Ibadan in April 2022. You stated that you have a strong family support system and a closely knit communal

lifestyle in Nigeria where children could be left with family members or neighbours when you travel to other places.

You told the panel that you first started the process for qualification as a UK registered nurse during the time when the nursing profession was regulated by UK Central Council (UKCC). However, you put it on hold for personal reasons. You stated that when you resumed the process in 2021, you relied on your uncle to assist you to pay for the registration fees. You explained that this was because the registration fees were to be paid in UK currency, but you did not have a domiciliary account and Nigerian bank debit cards could not be used for international transactions during that period. You stated that your uncle initially paid for your CBT registration fees but had made a mistake in your registration as he registered you in adult nursing instead of mental health nursing. When you discovered the mistake, your uncle told you that you could request for a refund and start a new registration. However, your uncle decided not to be involved with the new registration process due to his initial mistake and your husband, after discussions with him, decided to complete the registration process on your behalf and pay the registration fees through Yunnik. You stated that your husband paid the Nigerian currency equivalent of the registration fees to Yunnik in order for the owner of the centre to assist you in paying the fees in UK currency.

You stated that you did not include this evidence in your written statement because you were not aware of these arrangements between your husband and your uncle at the time you had completed the written statement. You stated that you thought that it was your uncle who paid the registration fees as he did previously and this was the reason for stating this in your written statement. You stated that when you discovered the error, your husband sent an email to your previous representative to explain the error. However, the panel did not have sight of the email.

You provided a detailed account to the panel on what transpired before and during your CBT at Yunnik. You stated that your CBT was scheduled to commence at 11:00 and you arrived fifteen minutes before the start time because you preferred to arrive early for your test. You asserted that you were not working on the day of your CBT as you were on work leave. You stated that when you arrived at Yunnik, you went to the reception which was located at the first floor where you met an elderly man who took you to a room to take your

photograph. You stated that although you had written in your statement that your photograph and fingerprint was taken, this was a typographical error given the length of time since the CBT was completed.

You stated that you were taken to a room containing two computers and you started your CBT. You stated that you did not know whether there was a clock at the centre as you had your wristwatch. However, you asserted that you did not keep track of the time in which you started your CBT or when you completed the test. This was because you maintained concentration throughout your CBT and you were delighted to see the questions. You were also not aware of the time you left the centre as you recall that when you completed the test, you used the toilet and left the centre.

You told the panel that you prepared rigorously for your CBT like someone “*going to a mountain*”. You stated that you utilised multiple practice materials particularly the practice materials in Pearson Vue’s question bank. You asserted that your test questions in section A of the CBT were exactly the same with the practice questions in Pearson Vue’s practice materials. You emphasised that the CBT was the easiest test you had written in your life as it was like a “*child’s play*” to you. You stated that you had written more challenging nursing tests in Nigeria and therefore when you were told that you passed the CBT with a score of 100%, you were not surprised. You asserted that the CBT was easy for you given your high level of preparation with practice materials, your participation in study groups on WhatsApp and Telegram, your extensive experience as a qualified nurse in Nigeria where you have mentored junior nurses, and constant motivation from your husband. You stated that you prepared so well for the CBT to the extent that you attempted questions in the midwifery section of the practice materials.

You stated that you did not use a timer whilst answering questions from the practice materials as you did it in your own pace. You did not have any cause to record yourself as you believed that “*practice makes perfection*” and you utilised the practice materials on a daily basis. You stated that you did not know how fast you had completed your CBT until the NMC raised a query about it. You did not have any cause to review your answers at the end of your CBT as you knew you had selected the right answers and given that they were multi choice questions, there was no point in wasting time reviewing the answers. You explained that the nature of the CBT was in such a way that once you saw the

questions, you either know the answers, or you do not know the answers. You stated that you were not very conversant with the questions in section B of the CBT, you took some time to answer them, and you had to guess your answers in some parts of the section.

You asserted that you did not aim to be the best candidate or to achieve 100% in your CBT as you knew that you would pass the test. You emphasised that the CBT was so easy that a non-clinical candidate could answer the questions if they had studied and utilised the practice materials from Pearson Vue's website.

You told the panel that you were not aware that other candidates had completed the CBT in very fast times or that some of them had used proxies to pass the test. You stated that you did not see any reason for any candidate to use a proxy for the CBT as the questions were very easy to answer. You asserted that no one approached you with the offer to use a proxy as you believed that no person in Yunnik could take the CBT better than you. You stated that the only conversation you had during your CBT was to tell the owner of the centre that you did not need any assistance in operating your computer, when asked by him.

You stated that although you did not achieve a distinction in your post basic psychiatric nursing degree, it should be noted that the level and mode of nursing examinations in Nigeria are quite different from the examinations in UK. You asserted that if a UK qualified nurse had written the same examinations as you did, they would not be able to achieve a credit grade as nurses in Nigeria undergo a more rigorous training than their counterparts in the UK.

You told the panel that, at the time of your preparations for your CBT, you were also preparing for two other foreign nursing exams at the time of your CBT and this made you very prepared for the test. However, you could not write those foreign nursing exams due to the unfavourable immigration policies of those countries.

Submissions

Ms Chowdhury, on behalf of the NMC, provided the background to the case and referred the panel to the relevant documents within the bundle.

Ms Chowdhury highlighted that the burden of proof was on the NMC to prove that your CBT result was obtained fraudulently. She submitted that there were two issues to be considered by the panel, namely, whether it is more likely than not that your CBT result was obtained fraudulently and whether you meet the character requirements to be considered capable of safe and effective practice.

Ms Chowdhury submitted that the NMC evidence demonstrated that the very fast test times coupled with other factors, such as your high-test scores, shows that your CBT result was likely obtained through fraud. She stated that when considering this question, it should be noted that there were some matters which were necessary to be considered and some matters which were not necessary to be considered. She submitted that it was not necessary for the panel to know the exact methodology of the fraud, so whether a proxy tester was sitting next to you, issuing oral instructions, or using the computer on your behalf. She submitted that it was also not necessary to consider whether there were multiple proxy testers at the centre on that day, or just one. It was also not necessary to speculate about the reasons why a candidate may have used a proxy.

Ms Chowdhury submitted that it was also not relevant whether you are a competent nurse today. She stated that it may be regrettable that a competent nursing candidate cheats in a test that they were likely to have passed if they completed it honestly. She submitted that the important question is whether you had obtained your CBT result through fraud. She asserted that if the panel finds that your CBT result was obtained through fraud, it should dismiss this appeal.

Ms Chowdhury submitted that the NMC has provided generic evidence to demonstrate that there was widespread fraud occurring at Yunnik. She referred the panel to the witness statements and reports made by Witness 5. She further referred the panel to the data analysis and reports made by Mr 1. She highlighted that Mr 1's evidence shows the odds of achieving specific times, and he provided histograms of both pooled and unpooled data. He provided the number of test takers who completed their numeracy and clinical exams below a certain threshold. She stated that his evidence shows that there was a very significant difference in test times at Yunnik compared to the global benchmark population.

Ms Chowdhury asserted that the only sensible explanation for the unique data pattern is that fraud was occurring at Yunnik, and this conclusion is supported by the admissions of the other test takers, particularly Witnesses 1 and 2, as well as the admissions summarised by Ms 2 and Ms 3. She submitted that although this is hearsay evidence, they are statements from nurses with a working life and therefore it is not proportionate to require them to attend every hearing for cross-examination.

Nevertheless, Ms Chowdhury submitted that this does not take away from the fact that they provide eyewitness evidence to corroborate the assessment from the statistical experts that a proxy test taker was used at Yunnik. They also illustrate how unlikely it was that these test times could be achieved without cheating.

Ms Chowdhury submitted that, in respect of specific evidence, the panel should consider the exceptionally fast times in which you completed your CBT, your high-test scores, the timing data, and the odds calculation, none of which had been challenged by you. She highlighted that in the numeracy section, where 30 minutes were allocated, you completed it in five minutes and 20 seconds, achieving a score of 100%. For the clinical section, where two and a half hours were allocated, you completed it in 13 minutes and 57 seconds, achieving a score of 74%. She referred the panel to the data analysis made by Mr 1 where he set out how the odds were evaluated for the clinical section. She highlighted that in a global count of 56,478, only two persons, globally, completed the clinical section in 14 minutes, whilst no one achieved this in Nigeria (excluding the Yunnik centre), 517 persons achieved this time at Yunnik.

In respect of your choice of the Yunnik centre, Ms Chowdhury invited the panel to consider your explanations in your written statement, your explanations in your oral evidence and the witness statement of Ms 4. She invited the panel to consider the plausibility of your explanation for selecting the Yunnik centre despite the number of other test centres in Lagos and Ibadan.

Ms Chowdhury submitted that you were inconsistent and unclear in your evidence about the payment of your CBT registration fee. She highlighted that you stated in your written statement that it was your uncle who paid for your CBT registration fee with a voucher. However, this was inconsistent with your oral evidence that it was your husband who paid

for it and the second supplementary witness statement of Witness 5 in which he provided documentary evidence to demonstrate that it was booked and paid by the Yunnik test centre owner.

Ms Chowdhury submitted that you were also inconsistent in your evidence on whether your fingerprint was taken at the Yunnik centre. She highlighted that you stated in your written statement that your fingerprint and photograph were taken at the Yunnik centre, however, in your oral evidence, you stated that it was only your photograph that was taken at the centre. She highlighted that Witness 5 had confirmed in his oral and documentary evidence that biometrics were not taken at Yunnik. Ms Chowdhury invited the panel to consider the credibility of your evidence on the events that occurred on the day you completed your CBT.

Ms Chowdhury highlighted that you stated that you were not aware of the time you took to complete your CBT although you wore a wristwatch. She asserted that it was not plausible that a candidate who prepared extensively for a test would not check the time at all when taking the test or realise how fast they were going or not review their answers. She highlighted that you completed a three-hour CBT in 20 minutes but there was no evidence that you were rushing to return to work that day or you had other engagement that could have made you to finish in such fast times. She argued that it was therefore improbable that any honest test taker would complete the CBT test that quickly as an honest test taker would take their time with the test and likely spend time reviewing their answers.

Ms Chowdhury submitted that your CBT test timings are very similar to candidates in Yunnik who also completed their CBT in very fast times and this falls into the pattern where the NMC says a proxy tester was used. She highlighted that there was no overlap between the practice materials and the CBT questions, based on the analysis of Witness 5. She submitted therefore that utilising the practice materials cannot explain the general pattern of quick test times at the Yunnik centre or how you completed the CBT so quickly. She asserted that whilst thorough preparation for a test makes it more likely that an individual will pass it, it does not account for the incredibly quick time taken when compared with the global benchmark population. Ms Chowdhury invited the panel to consider that two other candidates completed their CBT on the same day as you did. She submitted that one of these candidates also completed the CBT in an exceptionally fast

time which was a concern to the NMC. It should be noted that the times in which the two other candidates started their CBT did not seem to have been separated such that a candidate was allowed the full three hours if they took it.

Ms Chowdhury therefore invited the panel to find that the generic, specific and oral evidence demonstrates that you had obtained your CBT result fraudulently on 6 April 2022 and therefore you did not meet the character requirements to be admitted into the register. She invited the panel to dismiss your appeal.

Ms Thomas, on your behalf, submitted that although the burden of proof in an appeal is on you to satisfy the panel that you meet the requirements to be entered onto the register, it is the NMC's agreed position that it is for the NMC to prove that you obtained your CBT result through fraud. She highlighted that you do not have to prove anything in relation to the fraud.

Ms Thomas noted that the NMC was faced with considering who, if any of 1,969 candidates that took the CBT at Yunnik, used a proxy. Inevitably, that led to a broad-brush approach for its investigation, hence the approach the NMC took where it assumed that if your test was completed in a time which put you in the one in two and a half thousandth percentile, you would be presumed to have used a proxy. Ms Thomas asserted that this is not enough to prove that any particular candidate used a proxy as the NMC ought to take all of the information and evidence into account. She submitted that the panel does not have to take the same broad-brush approach as it is not considering all 1,969 candidates today but just your case. She stated that the panel is not tasked with deciding if there was fraud at Yunnik, although it may very well be that there was fraud at Yunnik, but this does not automatically mean that you were involved in that fraud.

Ms Thomas noted that the NMC's approach to this investigation and the fact that it drew the line at 1: 2500, was highlighted in the witness statement of Ms 2. Ms Thomas highlighted that the NMC's position was therefore it accepted that it probably missed some fraudulent candidates by drawing the line at 1: 2500. She argued that if that position that the NMC had taken was correct, the opposite must also be correct, in that, by choosing an arbitrary line and making a presumption, the NMC had inevitably reached an outcome where there will be people who were within the 1:2500 group who did not use a proxy in

the same way that there will be people who were slower than one in two and a half thousand who did. She highlighted that in the table of odds calculated by Mr 1, there is a line that could have been drawn at which point no one else in the world had passed at that speed, however, the NMC chose not to draw the line at that point. Ms Thomas asserted that the risk of capturing unsuspecting candidates who were quick is greater because the NMC has chosen to draw the arbitrary line at a particular point.

Ms Thomas submitted that it was therefore important for the panel to not make the same mistake as the NMC by relying solely on statistics and presumptions without any more direct evidence of fraud in an individual case. She noted that the panel must not speculate, when making its decision in this case. Ms Thomas submitted that there was no direct evidence that you used a proxy and there was no evidence of a witness who can say they saw you using a proxy. She noted that there was no close-circuit television (CCTV) footage of the day of your CBT. She stated there may have been such footage, but the NMC and Pearson Vue chose not to even ask the Yunnik centre for any CCTV it may have had. At best, Witness 5 could only say that as of 2007, 15 years before you took your CBT, the Yunnik centre had said they did not have CCTV at that point. Ms Thomas highlighted that Pearson Vue did not require CCTV and therefore there could be candidates as you who could have been cleared of the allegation if there was CCTV at Yunnik.

Ms Thomas highlighted that the NMC had stated that the speed in which you completed your CBT was not consistent with how an honest test taker would take the test. She argued that there was no evidential basis for such position. She highlighted that, in examining the same day data, it should be noted that a candidate who completed the CBT in 52 minutes was not considered to have a suspicious time. Also, the data provided by Mr 1 showed that most candidates, globally, undertook the test between 60 and 80 minutes. She asserted that therefore majority of the candidates, globally, did not utilise the full three hours to complete the CBT. She highlighted that there were candidates who completed the CBT in times faster than yours, but these candidates were not considered as fraudulent.

Ms Thomas highlighted that the NMC had stated that given that you achieved a credit in your post basic psychiatric nursing degree, you were not an exceptional student to

achieve such fast times in your CBT. She submitted that your result during your studies does not correlate with how fast you completed your CBT as these were completely different exams in unrelated circumstances. She highlighted that one of the indicators used by Witness 5 in deciding whether a candidate had used a proxy was high passing test score together with a fast time. Ms Thomas submitted that your score of 74% was not a high passing test score, however, the NMC did not provide evidence of the average passing test score to enable the panel to compare your score with the average pass score.

Ms Thomas highlighted that the NMC stated that the reason for the use of proxies at the Yunnik centre was to have a quick turnover of candidates and to make extra income for payment by candidates for use of proxies. She however noted that, on the day of your CBT, there were only three tests taken on that day in contrast with other days at the test centre. She highlighted that the other candidate that had a similar fast time had taken their CBT in adult nursing whilst your test was in mental health nursing. She argued that although the other candidate had completed the CBT in or around 12 minutes, which is similar to your completion in 14 minutes, when considered as a percentage, a two-minute difference is a substantial percentage difference.

Ms Thomas highlighted that another evidence on which the NMC relies upon to prove that a proxy had been used is the fast click rate and short time period in which a candidate had taken in answering each question. She submitted that cursory examination of your click rate and time period on each question demonstrate that you did not use a proxy as you had spent more time in considering some questions in section B. She asserted that this did not demonstrate the activity of a proxy and therefore undermines the NMC's case against you.

Ms Thomas highlighted that the NMC stated that sixteen candidates had made admissions to using a proxy test taker and the various methods, in which such proxies were used, were described in their evidence. She however argued that there could be several other ways in which such proxies were used given that it appears that it was the owner of the Yunnik centre that makes the arrangements for the proxy test takers. She submitted that given that neither the NMC nor Pearson Vue had visited Yunnik, it was therefore relevant for the panel to know the exact methodology of the alleged fraud or how the proxy took the

CBT on behalf of candidates. Ms Thomas argued that there was a possibility that you would not have known that the test that was submitted in your name was a fraudulent test carried out by a proxy and you had only completed a fake test. She submitted that there could be possible scenarios in which a proxy test taker could have been used on your behalf without your knowledge. She asserted that given that the NMC did not provide evidence to support its allegation on how you had used a proxy test taker, the panel cannot be satisfied on the balance of probabilities that you had obtained your CBT result fraudulently.

Ms Thomas invited the panel to consider your explanations for your fast times that you had prepared rigorously for the CBT, you had relied on your vast experience as a qualified nurse in Nigeria and the CBT was the easiest test you had taken in your life. She submitted that the panel should consider the reason for you to cheat in such an important test in your life. She argued that there was no reasonable explanation for an experienced nurse to risk their career and cheat at a test which they could have easily passed. She submitted that you are a competent nurse, highly regarded by your colleagues in Nigeria and in the UK. She referred the panel to the various testimonials made on your behalf.

Ms Thomas highlighted that the NMC stated that there were inconsistencies in your accounts on the payment of your CBT registration fee and whether your biometrics was taken on the day of your CBT. She submitted that there was no benefit for you make a false statement on those issues and the errors made in your written statement were no intentional. She submitted that the English language was not your first language and you had written what you believed at the time to be true.

Ms Thomas submitted that your explanation in respect of your reason for selecting the Yunnik centre was highly plausible. She submitted that you were studying for an international test and it was reasonable to expect you to take time off from work and your children to prepare for the CBT in Ibadan.

In respect of the practice materials, Ms Thomas submitted that the NMC witnesses had stated that of the 1500 questions that were reviewed, more than 1/3 of those were helpful and useful questions. She highlighted that Witness 5 stated in his evidence that there was only a pool of between 700 and 1000 questions in relation to the potential questions that

were in the CBT. She highlighted that the panel was not provided with the actual questions in the question pool to be able to make a comparison with the practice materials. Therefore, it would only be speculation to contradict your evidence that the questions in the practice materials were the same with the CBT questions.

In conclusion, Ms Thomas submitted that you met the character requirements for admission to the NMC register and there was no evidence that you had used a proxy tester to obtain your CBT result. She therefore invited the panel to allow your appeal and quash the decision of the Assistant Registrar.

The panel accepted the advice of the legal assessor.

Panel's decision

In reaching its decision, the panel took into account all the oral and documentary evidence in this case, including the submissions of Ms Thomas, your oral evidence and the submissions of Ms Chowdhury.

The panel first considered whether it had sufficient evidence before it to determine on the balance of probabilities that there was generic evidence of proxy testing occurring at Yunnik at the time your test was taken.

The panel considered the witness statements of Witness 5, which set out specific evidence of potential fraud between 15 March 2019 and 31 March 2023, indicating patterns of suspicious behaviour uniquely evident at Yunnik when compared to other testing centres globally.

The panel took into account that Witness 5 noted several factors that suggest human interference rather than technical errors had occurred. Firstly, booking irregularities, as candidates frequently chose Yunnik over test centres closer to their residence, requiring long travel times to take their exams. Secondly, the speed of completion of exams were characteristic of a "*proficient proxy tester*" familiar with the exam content. Thirdly, the combination of low completion times and high scores implied that either an individual or a group, who is exceptionally proficient in taking the exams, completed them on the test taker's behalf. The panel took into account that Witness 5 confirmed that there were no

cyber-attacks or software malfunctions at Yunnik that may have explained statistical anomalies.

The panel also considered the report by Mr 1, an independent expert in data analytics, who conducted an independent evaluation of Pearson VUE's CBT data at the request of the NMC. It found statistically significant evidence revealing that exam completion times at Centre 53579 (Yunnik) were considerably lower than those of a designated benchmark population across four out of six "*Non-Legacy*" test papers. This discrepancy was described as "*large*."

The panel also considered that the histograms, contained within Mr 1's report, illustrated that the anomalies in test performance in the clinical CBT were unique to Yunnik when compared to other centres in Nigeria and globally.

The panel took into account the evidence of Ms 2, Ms 3 and Witness 4 in which it was stated that numerous persons had made admissions to using a proxy tester at the Yunnik. The panel considered the respective witness statements of Witnesses 1 and 2, who both gave a detailed account of their respective experience in taking the CBT at Yunnik and how they were pressured into using a proxy tester to complete the exams.

The panel also considered Ms 1's statement in which she had commented on the findings from reviewing a number of practice materials. She concluded that the quality of some of the questions were such that it would not assist any candidate in achieving such fast times.

However, the panel approached the evidence of Witnesses 1 and 2, as well as that provided by Ms 2, Ms 3 and Witness 4, with caution. This evidence was before the panel by agreement of the parties, nevertheless, the panel was aware that it was hearsay evidence, a feature that was commented upon by Ms Thomas. The panel noted that it is a matter for it to ascribe what weight it thinks fit to hearsay evidence. The panel was mindful that, in any case, this evidence does not provide direct evidence of the day you took your test at Yunnik. The panel concluded that the hearsay evidence does contextually support the proposition of fraudulent activity at Yunnik.

Having considered all the information before it, the panel determined, on the balance of probabilities, that there is generic evidence of proxy testing occurring at Yunnik at the time you took your CBT.

The panel next considered whether it is more likely than not that you used a proxy test taker in obtaining your CBT result from Yunnik in Ibadan, Nigeria on 6 April 2022.

The panel took into account your explanation for selecting Yunnik for your CBT on 6 April 2022 in spite of other test centres available in Ibadan and Lagos. It also considered the witness statement of Ms 4. However, the panel did not attach weight to the evidence of Ms 4 given that there was no evidence that you stated that you went to Ibadan with your children or [PRIVATE]. The panel therefore determined that you provided a plausible explanation for your selection of Yunnik for your CBT.

The panel considered your evidence on who paid for your CBT. It noted that, in your written statement, you stated that it was your uncle in the UK who paid for your CBT via a Pearson Vue voucher. However, in your oral evidence, you told the panel that it was your husband who paid for your CBT. The panel had sight of Pearson VUE exam registration detail report and the second supplementary witness statement of Witness 5 which indicated that the CBT appeared to be booked and paid for by the owner of Yunnik via a credit card. In this regard, the panel determined that your evidence on who paid for your CBT was unclear, confusing and potentially contradictory.

Furthermore, the panel noted that you stated in your written statement that when you arrived at Yunnik, your photograph and fingerprint was taken before you commenced your CBT. However, during your oral evidence, you insisted that it was only your photograph that was taken. The panel considered that Witness 5 stated in his witness statement that the procedure before a candidate commenced the CBT was for a photograph and digital signature be taken. The panel determined that this was another instance in which your evidence was inconsistent and contradictory,

The panel considered your explanation that you never checked the time duration for your CBT either before or during your test, nor did you observe the exact time it took for you to complete the test. The panel was of the view that such explanation seems implausible as

it is reasonable to infer that any honest candidate that had adequately prepared for the CBT would be keenly aware of the time duration for their test and would have been time conscious throughout such test.

The panel took account of your evidence that you prepared adequately for your CBT by utilising practice materials you found online and the Pearson VUE question bank. You also stated that you attended online classes on WhatsApp and Telegram as well as that you relied on your extensive experience as a qualified nurse in Nigeria. The panel had sight of the various practice materials you provided in these proceedings. The panel considered the review of the practice materials undertaken by Witness 3, Witness 5 and Ms 1 but it attached limited weight to them due to the limited scope of the practice materials reviewed.

Nevertheless, the panel noted that the practice materials that you used, were also available globally, but it was only in the Yunnik centre that CBTs were taken at exceptionally fast times. In the panel's judgement, your level of preparations does not sufficiently explain the exceptionally fast times you used in completing your CBT. Furthermore, there was insufficient evidence to demonstrate that you were an exceptional student and that you were proficient in taking exams to explain the fast times you took to complete the CBT.

The panel noted that one other candidate who took the CBT on the same day as you, also had exceptionally fast times. It considered that you stated that the candidate's CBT was different given that you wrote your CBT in mental health. However, the panel had sight of the sample CBT questions and noted that only 10% of the questions were based on a specialised area of nursing. Thus, such percentage would not have a huge impact on the overall performance of a candidate. The panel determined that given its findings that there was generic fraud in the Yunnik centre, it was reasonable to infer that the other candidate used a proxy test taker to take their CBT. In the panel's judgement, it was highly unlikely that you did not use a proxy test taker when it had determined that, in all probabilities, that other candidate had used proxy test taker on the same day of the CBT.

The panel noted that you indicated that you had no underlying motive to engage a proxy test taker. However, the panel was of the view that there were numerous reasons for a

candidate to engage a proxy test taker, and it was not necessary for the panel to determine the motivation of such conduct. The panel noted that you stated that you were also preparing for two other foreign nursing exams at the time of your CBT and this made you very prepared for the test. However, you later stated during your response to the panel questions that you did not write those foreign nursing exams due to the unfavourable immigration policies of those countries.

The panel considered the submissions of Ms Thomas on the systematic flaws in the CBT process and in the investigation conducted by Pearson Vue and the NMC. Notwithstanding this, the panel was not satisfied that such systematic flaws sufficiently undermine the NMC evidence against you.

Having considered the above factors and in the absence of any plausible explanation for your exceptionally fast times, the panel determined that it was more likely than not that you used a proxy test taker in obtaining your CBT result from Yunnik in Ibadan, Nigeria. It decided, on the balance of probabilities, that you had obtained your CBT results through fraudulent means.

The panel then went on to consider 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 had met the character requirements for admission to the NMC register.

The panel took into account the various testimonials made on your behalf from your colleagues in Nigeria and in the UK, your CV, your educational certificates and your extensive otherwise unblemished career as a qualified nurse in Nigeria.

Nevertheless, the panel bore in mind its finding that that it was more likely than not that you used a proxy test taker in obtaining your CBT result from the Yunnik centre in Ibadan, Nigeria. The panel noted that you had several opportunities to be transparent about your fraudulent CBT result to the NMC, but you failed to be open and honest on those

occasions. The panel determined that your conduct demonstrated a lack of accountability and candour on your part.

The panel was of the view that there were several inconsistencies in your defence of your CBT result and how it was obtained. It considers honesty and integrity as fundamental tenets of the nursing profession. The panel was not satisfied that, should a similar or challenging situation in your nursing practice arise in the future, you would act with honesty and integrity.

The panel determined that your conduct in obtaining your CBT result fraudulently is a breach of the fundamental tenets of the nursing profession and public confidence in the nursing profession would be undermined if you were admitted into the register. Consequently, the panel was not satisfied that you are of sufficient character for safe and effective practice.

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

This will be confirmed to you in writing.

That concludes this determination.