

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Thursday, 23 October 2025 – Friday, 24 October 2025,
Thursday, 29 January 2026**

Name of Appellant: Margaret Atinuke Babalola

PRA Number: 1022196024

Type of case: Registrations appeal

Panel members: Godfried Attafua (Chair, registrant member)
Kathryn Evans (Registrant member)
Howard Millington (Lay member)

Legal Assessor: Nigel Pascoe KC (23-24 October 2025)
Brett Wilson (29 January 2026)

Hearings Coordinator: Daisy Sims

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

Ms Babalola: Present and represented by Catherine Collins, counsel

Decision: **Appeal dismissed**

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

At the outset of the hearing, Ms Collins, on your behalf, made an application for this hearing to be heard partly in private on the basis that [PRIVATE]. This application was made under Rule 31 of the Education Registration and Registration Appeals Rules 2004 (the Rules).

Ms Khan, on behalf of the Nursing and Midwifery Council ('NMC'), agreed with this application.

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

The panel determined to go into private session as and when such matters that relate to [PRIVATE] are raised in order to maintain your privacy.

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 April 2024, that you did not meet the character requirements for registration to the NMC register.

Background

Pearson VUE have a contract with the NMC as their Computer Based Test (CBT) provider which has been in place since 2014. The CBT is one part of the NMC's Test of

Competence (ToC) and is used by the NMC to assess the skills and knowledge of people wanting to join the NMC's register from overseas as a nurse, midwife or nursing associate or re-join the register after a long period away from practice. The second part of the ToC is an objective structured clinical examination (OSCE) – a practical examination.

The current CBT (CBT 2021), created on 2 August 2021, is split into two parts (Part A and Part B). Part A contains a numeracy test consisting of 15 short answer questions and lasts for 30 minutes. Part B is a clinical test consisting of 100 multiple-choice questions and lasts for 2 hours and 30 minutes. All questions are scored as either correct or incorrect.

Pearson VUE contracted with a third party, Yunnik Technologies Ltd, in relation to a Pearson VUE Authorised Test Centre (PVTC) in Ibadan (the Yunnik centre), Nigeria. This testing centre is where one of the concerns in this matter relate.

Pearson VUE has control over the technology, but the environment is owned/controlled by the test centre and personnel are test centre employees. PVTCs are contractually required to adhere to specific Pearson VUE standards for delivery and operations.

Pearson VUE also provide additional centres referred to as Pearson Professional Centres (PPCs) and PVTC Selects which have additional security measures including biometrics (palm vein) and CCTV footage. As the Yunnik centre was a PVTC it was not required to have these extra security measures.

Candidates are allowed up to three attempts to pass the CBT as part of one application, with a minimum of 10 days between each sitting. If they fail all three attempts, their application will close, and they must wait six months before submitting a new application to sit the CBT again.

On 15 March 2023, Pearson VUE identified that the Yunnik centre was delivering exams for multiple candidates who were completing the clinical part of the CBT in 10 minutes (2.5 hours is allowed for this part of the exam). The number of candidates was initially unknown.

The NMC was notified, and the Pearson VUE results team ran a report from January 2022, for all NMC exams that were delivered at the Yunnik centre in 20 minutes or under.

Pearson VUE conducted a thorough and detailed investigation into the Yunnik centre and identified testing anomalies. They found that the data set for the period between 15 March 2019 and 31 March 2023 indicated a specific pattern of potentially fraudulent behaviour. Pearson VUE asserted that this was likely to be linked to proficient proxy testing which was not present at other testing centres globally.

Pearson VUE's investigation also concluded that there was no technical error at the Yunnik centre that had led to the concerning data set and alleged that human interference was involved.

The NMC commissioned a report from Witness 5, instructed as an independent expert to analyse and report on data provided by the NMC. His conclusion was that there were a significant number of exceptionally quick test times at the Yunnik centre, compared to global averages.

On 3 August 2023 the NMC's Registrar decided to use as a benchmark the 1 in 2,500 percentile, in order to identify tests which were taken at such a speed that it is likely that the results had been fraudulently obtained (most likely utilising a proxy test taker). Applying this statistical threshold meant that for those individuals who sat CBT 2021, anyone who sat their Numeracy test in 5.5 minute or under and/or Clinical test in 21.5 minute or under, the Registrar considered this raised a *prima facie* case that the result had been obtained fraudulently.

Because of the evidence of widespread fraudulent activity at the Yunnik centre, the NMC was unable to be confident in any of the CBT results obtained at the testing centre. The Registrar therefore considered all CBT results obtained there to be invalid and that the safest, fairest, and most proportionate way to deal with this was to ask everyone who sat their CBT at the Yunnik centre, to take a new CBT. In the absence of a valid CBT an individual should not have been allowed entry to the NMC register.

The Pearson Vue raw data provided to Witness 8 had your times as follows:

- Numeracy: 9.7 Minutes (Time allocated for test: 30 minutes).
- Clinical: 24.6 Minutes (Time allocated for test: 150 minutes).

Following Witness 8's analysis which excluded time taken in introductory and review screens he cited your actual times as follows:

- Numeracy: 8.97 Minutes – Odds 1 in 76.98 (Time allocated for test: 30 minutes).
- Clinical: 13.35 Minutes – Odds 1 in 28,239 (Time allocated for test: 150 minutes).

Comparing your time to complete your clinical test with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your test within the times it took you to complete it. Taking into account the time in which your test was taken, in a centre in which the NMC allege there to have been widespread fraudulent activity, it was considered by the NMC to be more likely than not that your CBT result was obtained fraudulently.

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

From the NMC:

- Your completed application
- Expert report by Witness 8, Head of Data Analytics at OAC
- Witness statement of Witness 3, Director of Information Security and Security Services at Pearson VUE
- Witness statement of Witness 4, Executive Director of Professional Practice at the NMC
- Witness statements of Witness 1 and Witness 2
- The IELTS certificate uploaded as part of your application
- Confirmation from the British Council that your IELTS certificate was not authentic

From you:

- Your email dated 16 April 2024.

On 29 April 2024, you were informed that the Assistant Registrar had refused your application onto the register.

You appealed the decision on 28 May 2024, within the 28-day time limit.

Background of IELTS

All internationally trained nurses and midwives are required to provide evidence of their qualification, English language skills and demonstrate they're of good health and character before being admitted to the NMC register. They also need to complete a two-part test of competence.

You submitted all of the documents required for registration. As part of your application submission on 30 August 2023, you submitted an IELTS certificate as evidence that you met the English language requirements.

Your application form and supporting documents were assessed on 21 November 2023. The assessment officer was not able to verify the IELTS test result form (TRF) uploaded by you and followed the verification referral process.

The assessment officer contacted the IELTS verification team on 21 November 2023 and informed you, on the same day, that they were unable to verify the IELTS results and were contacting the British Council to get confirmation of the results.

The assessment officer received a response from the IELTS verification team on 23 November 2023. It stated that the IELTS test result form (TRF) they had been provided did not match their records and that it was a counterfeit TRF.

On 30 November 2023 the assessment officer issued the language test decision letter to you outlining why new language evidence was required and that the concerns about the IELTS test would be reviewed once they had received verifiable language evidence.

On 29 April 2024, the AR wrote to you informing you they considered that your submission of a fake IELTS certificate, was further evidence of dishonest conduct. Because of this, they considered that you did not meet the character requirements to be considered capable of safe and effective practice.

Evidence

The panel took account of the live evidence of the following witness on behalf of the NMC:

- Witness 8: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.

The panel took account of 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 of sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience of sitting an exam at Yunnik.
- Witness 3: Director of Information Security and Security Services at Pearson VUE.
- Witness 4: Employed by the NMC as the Executive Director of Professional Practice.
- Witness 5: Senior International Registration Manager at the NMC.
- Witness 6: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.

- Witness 7: Senior Nursing Education Adviser and member of the Executive Team in the Professional Practice Directorate at the NMC.

Submissions

Ms Khan outlined the background to the case. She submitted that it had been demonstrated beyond doubt that the concern around fast test times was not related to any issues with the Pearson VUE software.

Ms Khan submitted that fraudulent human behaviour was responsible for the quick test times at Yunnik. She referred the panel to Pearson VUE's data, which indicated that the test completion times at Yunnik were significantly faster than global benchmarks. She outlined Witness 8's statistical analysis, which shows that there was a large, and statistically significant, difference between test times at Yunnik and those of candidates at other centres both in Nigeria and globally.

Ms Khan referred to Witness 1 and Witness 2's statements which corroborated the routine nature of proxy operations at Yunnik.

Ms Khan submitted that the NMC's evidence, including fast test times, high scores and admissions from other test takers, supported the conclusion that widespread fraud occurred at Yunnik. She submitted that the method of fraud was irrelevant, but the key issue was whether the test result was dishonestly obtained.

Ms Khan submitted that you spent 22 minutes and 19 seconds completing the entirety of the CBT exam which left 85% of the time allocated unused. She submitted that this cannot be seen as genuine given the context of the statistical analysis, the operational irregularities of the test centre and the corroborating data that reveals a wider practice of a wider pattern of malpractice.

Ms Khan submitted that five other candidates sat their CBT exam on the same day at the same test centre and referred the panel to the statistical evidence regarding their test times. She submitted that due to the similar completion patterns and the matters outlined above, there was a pattern that can be attributed to proxy testing having occurred.

Ms Khan referred to your evidence before the panel, [PRIVATE]. She submitted that these explanations do not displace or provide an explanation of the clear evidential findings and the data that the panel has before it.

Ms Khan submitted that the NMC has a statutory obligation to ensure that all applicants meet its standards of competence, honesty and integrity. This duty extends not only to the individual applicant, but to the wider public interest and the reputation of the nursing profession. She submitted that to accept documentation and test results that are compromised would erode the confidence that patients, employees and the public place in the regulatory process. She invited the panel to conclude that the Assistant Registrar's decision was firmly grounded in evidence and invited the panel to dismiss this appeal and uphold the refusal of registration.

The panel took account of Witness 8's live evidence given under affirmation.

Ms Collins in opening submitted that you are an open and honest nurse who admits when there have been issues.

Ms Collins submitted that in relation to the Yunnik centre, even on days where there had been admissions of using a proxy, there are still differences in the test times on these days. She submitted that there is no set way in which this proxy is alleged to have worked and whether or not it is one or more proxies. She submitted that the panel cannot put

emphasis on the quick times of your test.

Ms Collins submitted that there is similar data from across the world of other test takers who completed these examinations in a similar time to you and there is data of test takers who have completed the test quicker than you did. She submitted there is no additional data available about these other test takers and so there is no evidence to suggest that those test takers were of a certain level of academic ability. She submitted that because there is no other qualitative information, the panel cannot properly distinguish these cases from your case. She similarly submitted that there is no additional evidence before the panel of the other test takers who sat the examination at the Yunnik centre at the same time as you.

Ms Collins submitted that there is no witness evidence from any individual to say that you were seen using a proxy.

Ms Collins submitted that your explanation was that you were well prepared, you had done revision and you were able to identify the questions quickly. She submitted that the test you took in the United Kingdom, whilst not as fast, was faster than average. She submitted that when undertaking the test in the United Kingdom you were under stress given the allegations of fraud made against you, and that you were in a foreign country without a full support network.

Ms Collins reminded the panel that each nurse has three attempts to complete the CBT and your test at the Yunnik centre was your first attempt.

In relation to the IELTS exam, Ms Collins submitted that the question the panel must consider is whether or not the certificate was a forged document, including what was your subjective belief at the time and whether that was dishonest. She submitted that you received an email confirming your results and later received a hard copy of these results in

a format that bears a resemblance to a certificate with a stamp on it. She submitted that there are no concerns with your credibility or your integrity notwithstanding that there is a subsequently discovered fraud.

Ms Collins submitted that the panel must consider the position as of todays date. She referred the panel to the positive testimonials from both Nigeria and the United Kingdom where you have worked as a Healthcare Support Worker for a period of over two years. She submitted that the issues in relation to the IELTS are one element of the assessment of your character.

The panel heard live evidence from you under oath.

You explained that you used a lot of materials to study for the CBT exam and you planned to use your days off from work. You explained that you prepared over 12 weeks prior to sitting the original examination. You stated that you used a system called Mentor Merlin to help you prepare for this examination and you were part of many different groups to assist in your revision. You also explained that you are a nurse who has been practising for over 10 years and stated that the CBT questions are about basic nursing so you were able to answer them quickly.

You explained that you were living in Akure in Ondo State in August 2022 and you used a family member to help you book the CBT examination. You stated that you did this because you did not understand how to book it because you needed to exchange money to pay for it. You explained that you have never met the man who you sent money to book your test. You explained that one of your colleagues, who had already moved to the United Kingdom, knew this merchant and introduced you to him.

You explained that you arrived at the Yunnik Centre late and you spoke to the receptionist who explained that you had missed an hour of your time for your examination. You stated that they did fingerprint and biometric tests at the Yunnik Centre before you sat your

examination. You explained that you saw two other ladies when you entered the testing room. You explained that whilst sitting the test you did not go back to check your answers because you needed to make up the time you had missed by arriving late.

You explained that when you resat the CBT test in the UK it was a different environment and you were trying to prove yourself as being truthful. You explained that you took your time with this exam and double checked your answers.

In relation to the IELTS examination, you explained that your auntie booked this for you as you did not know anything about the booking. You stated that your auntie lived in Lagos so you did the examination there. You explained that you have very strong English language skills as you use English regularly in nursing in Nigeria and that you had been preparing for this through a WhatsApp group to assist with your pronunciations. You stated that you did not know that the IELTS certificate was not authenticated when you provided it to the NMC.

[PRIVATE].

Ms Khan in closing submitted that there is sufficient evidence before the panel to prove that you did fraudulently procure your examination results at the Yunnik Centre. She submitted that there is evidence before the panel that the Yunnik Centre was only equipped with two computer terminals. She submitted that this is a direct contrast to what you stated. She submitted that the only credible inference to be drawn is that the Yunnik Centre was aware in advance that these examinations, sat on the same date that you sat your examination, would be completed in abnormally short periods.

Ms Khan submitted that the data before the panel supports the assertion that there was a proxy that had been made available for all of these candidates that were present at the Yunnik Centre on 31 August 2022. She submitted that the minimum times show that the

questions were answered almost instantly, far faster than anyone could read, interpret and reason through clinical scenario, again suggesting that the person knew the answers.

In relation to the IELTS examination, Ms Khan submitted that the certificate provided is not authentic, so there is nothing that can be placed before this panel that would suggest that you actually even sat an exam on that particular day.

Ms Khan referred the panel to the CBT booklet which sets out the different payment methods that can be utilised to make payment for the examination, one of them being a voucher scheme. She submitted that it was irrelevant what currency you were going to pay in and you could have relied upon this voucher scheme.

Ms Khan submitted that your account of being late to the Yunnik Centre and then achieving astonishing results is implausible.

In relation to good character, Ms Khan submitted that the evidence you have provided has been inconsistent, retrospective and self-serving. She submitted that you have been dishonest in relying upon fraudulent documents to register with the NMC. She submitted that in order to uphold the integrity of the register and the trust the public place in it, the only conclusion is to dismiss this appeal.

Ms Collins, in closing, submitted that the panel needs to consider the individual circumstances of this case. She submitted that the panel is not able to say that because there are other times of suspicion on 31 August 2022, it must follow that you used a proxy. She reminded the panel that there were two faster people in the world who the NMC do not suggest used a proxy. She submitted that as a nurse with over 10 years experience, it is likely that the questions were very straightforward.

Ms Collins submitted that your resit results suggest that you were very fast in taking this test and they are not substantially different to the original test results from the Yunnik Centre.

[PRIVATE].

Ms Collins submitted that it is not disputed that the IELTS certificate is fake, but she submitted that there was no way for you to have known it was fake prior to providing it to the NMC.

Ms Collins submitted that a passage of time has elapsed since the allegations and no suggestions or concerns what been raised in relation to your behaviour.

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 had sight of the analysis provided by Witness 3 and Witness 8's data, including statistics which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at the Yunnik Centre. The panel considered Witness 8's analysis of your specific data, which provided the following odds of how achievable your test times were:

- Numeracy: 8.97 Minutes – Odds 1 in 76.98 (Time allocated for test: 30 minutes).
- Clinical: 13.35 Minutes – Odds 1 in 28,239 (Time allocated for test: 150 minutes).

This analysis identifies that, as result of your test times, it is likely that you used a proxy tester at the Yunnik Centre.

It is the evidence of Witness 4 and Witness 6 that so far, 30 individuals have come forward and made admissions to using a proxy tester at the Yunnik Centre. A number of those individuals remain anonymous. Additionally, the panel had before it the data from Pearson Vue with regards to the times taken to complete the CBT at the Yunnik Centre. Witness 6 records the accounts given by these individuals and in three admissions, the time recorded for Part B (Clinical) was inside the threshold of 1 in 2,500 but the time recorded for Part A (the numerical test) was just outside the 1 in 2,500 threshold.

The panel considered the witness statements of both Witness 1 and Witness 2, who describe attending for the CBT at the Yunnik Centre and subsequently being pressured into using a proxy tester.

The panel noted the agreed facts between the RCN and the NMC that there was fraud at the Yunnik Centre.

Considering all this information, the panel was satisfied that there is enough evidence to support the claim that widespread fraud occurred at the Yunnik Centre.

The panel next considered whether it is more likely than not that you used a proxy test taker in obtaining a satisfactory test result from the Yunnik centre in Ibadan, Nigeria.

The panel first considered the contextual factors outlined by you. [PRIVATE].

[PRIVATE].

The panel then considered your booking and choice of the Yunnik Centre. [PRIVATE]. The panel determined that the NMC has not discharged its burden of proof to suggest that you intentionally sought out the Yunnik Centre in order to have a proxy undertake your test for you.

The panel then considered the preparation you undertook for the CBT examination. The panel noted that you stated you used the online service Mentor Merlin. The panel considered that this site is available globally and accessible to all candidates. The panel further considered that it does not provide a sufficient rationale as to how a significant number of candidates, including you, who took the test at the Yunnik Centre completed the test in significantly fast times compared to candidates in centres in other parts of Nigeria and globally. Whilst it is acknowledged that two other people in the world have achieved this test time, however the evidence before the panel shows that you had obtained average grades in your educational history. The panel determined that there is no information before it to suggest that you would have been able to complete the test in these significantly fast times due to your preparation and academic skills.

In relation to the actual CBT test, the panel noted that you state that you arrived an hour late for this test. The panel considered your evidence about two other candidates undertaking tests in the room and noted that you stated you did not know whether they were doing the same test. Your evidence was that there were three computer terminals in the room. However, the panel preferred the written evidence of Witness 3 who stated that there were two computer terminals. The panel therefore viewed your evidence, on this particular point, as lacking in credibility.

The panel determined that it is highly unlikely that the five other candidates who undertook the CBT examination on the same day at the Yunnik Centre would have been able to complete the test in significantly quick times without the use of a proxy. The panel also considered it suspicious that all of these candidates sat their examinations in a short period of time. The panel concluded the test centre could have only processed these tests on the assumption that candidates would take the test faster than the allocated time and by fraud. It considered that this would be highly unlikely given that there are only two computer terminals at the Centre.

Given the history of fraud at the testing centre, it is very unlikely that five candidates sitting for the exam at the same time could complete it so rapidly without help.

Your CBT resit timings are as follows:

- Numeracy: 9.35 Minutes (Time allocated for test: 30 minutes).
- Clinical: 48.45 Minutes (Time allocated for test: 150 minutes).

The panel considered that, given that your numerical resit was of a similar time to your Yunnik time, it would be logical to assume your clinical time would also be the same. The panel noted from the evidence from Witness 8 that the time taken for individual questions in the numerical time were not dissimilar between your first test and your resit. However, they were significantly different in your clinical resit. The panel considered that your clinical test times in your resit were three and a half times longer. For all these reasons, the panel concluded on the balance of probabilities that you obtained your CBT fraudulently.

The panel then considered your IELTS examination. [PRIVATE]. The panel then considered the letter sent to you on 5 April 2024 from the Registrations Investigation Team at the NMC which states:

'The evidence also includes the further documents we sent you relating to concerns that your IELTS certificate was confirmed by the British council to not be authentic.'

The panel noted your evidence that you stated that you were the victim of a scam and that is the reason your certificate was not authentic. However, there was no documentary evidence to support this claim and so the panel did not accept this explanation.

Overall, [PRIVATE], it determined that on the balance of probabilities, it is more likely than not that you did obtain your CBT results fraudulently.

The panel considered that the information from you was limited and did not undermine the decision of the Assistant Registrar. The panel did not find sufficient evidence from you demonstrating how you earned your results honestly.

The panel also considered why you were able to achieve such unlikely test times at Yunnik. It concluded that the only reasonable explanation for your fast completion was more likely than not that you obtained your test results fraudulently.

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 has sight of multiple positive testimonials from your colleagues and managers. The panel accepted this evidence and noted that it reflected well on your clinical skills, commitment to patient care, and professional relationships.

However, the panel also recognised that the matters before it did not concern your clinical competence or your ability to act with kindness and compassion toward patients. Rather, the concerns related to honesty and integrity; fundamental tenets of the nursing profession. While the panel did not doubt your caring nature or your ability to deliver safe, effective care, these qualities could not mitigate the seriousness of concerns involving your truthfulness.

In light of the panel's findings, in relation to you obtaining your CBT test results fraudulently and your dishonesty conduct in relation to the inauthentic IELTS certificate, it 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.