

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday, 22 September 2026 – Thursday, 24 September 2026**

Virtual Hearing

Name of Appellant:	Adetipe Florence Bada
NMC PIN:	1022199632
Type of case:	Registrations appeal
Panel members:	John Anderson (Chair, lay member) Howard Millington (Lay member) Nikki Harvey (Registrant member)
Legal Assessor:	Joseph Magee (Tuesday, 22 September 2026) Graeme Henderson (Wednesday, 23 2026 – Thursday, 24 September 2026)
Hearings Coordinator:	Fabbiha Ahmed
Nursing and Midwifery Council:	Represented by Pamela Muniya, Case Presenter
Ms Bada:	Present and unrepresented
Decision:	Appeal dismissed

Decision and reasons on CBT Registration Appeal

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

Decision and reasons on application to admit hearsay evidence

The panel heard an application made by Ms Muniya under Rule 31 to allow the written statements of Witness 1 and Witness 2 to be admitted into evidence.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that, so far as it is '*fair and relevant*', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings. In addition to the cases, *Thorneycroft v NMC* [2014] EWHC 1565 (Admin) *Mansaray v Nursing and Midwifery Council* [2023] EWHC 730 (Admin).

The panel gave the application in regard to admitting Witness 1 and Witness 2's statements into evidence consideration. The panel noted that both witness statements had been prepared in anticipation of being used in these proceedings, were signed and contained the paragraph, '*This statement ... is true to the best of my information, knowledge and belief*'.

The panel considered whether you would be disadvantaged by allowing the witness statements into evidence. It noted that that Witness 1 and Witness 2's evidence related to the background and contextual circumstances of their own experiences at Yunnik. Neither of these witnesses took their tests on the same day as you, and their evidence was not about your specific case. The panel took into account that both statements corroborated the information already before it.

The panel considered that the witness statements of Witness 1 and Witness 2 were not the sole and decisive evidence in your case. It noted that you were not disputing that there may well have been fraudulent proxy-testing at Yunnik.

The panel was satisfied that there was no reason to suggest that the information given by these witnesses had been fabricated. It also determined that to have both witnesses attend in person, at each and every hearing relating to Yunnik fraud cases, would be unfair and disproportionate, given the sheer volume of cases that would be heard. In addition, the panel noted that the Appellant had been given prior notice that these witnesses statements were to be read.

In these circumstances, the panel were of the view that Witness 1 and Witness 2's witness statements were relevant, and that it would be fair to accept them into evidence. In due course the panel will determine what weight, if any, to attach to them.

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), Richard Steele, to provide the NMC with an objective analysis of the data provided by Pearson VUE. OAC looked at the times in which CBT candidates at Yunnik took to achieve their CBT pass, compared with times taken by CBT candidates from other test centres in Nigeria and globally. Using this data, OAC then calculated the probability that each CBT candidate at Yunnik could achieve their CBT pass within the time it took them to complete the test. OAC's analysis of the data supports Pearson VUE's conclusion that there may have been widespread fraudulent activity at Yunnik probably through a proxy tester acting on behalf of test candidates.

On 3 August 2023, the NMC Registrar decided to use a benchmark of 1 in 2500 percentile in order to identify tests which were taken at a certain speed that is likely that they were conducted using fraud, most likely, by obtaining the help of a proficient proxy test taker.

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

- Numeracy: 14.30 Minutes (Time allocated for test: 30 minutes).
- Clinical: 11.05 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 times it took you to complete them.

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

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

- Your completed application
- The 'evidence bundle' consisting of:

- Richard Steele's expert report
- Witness statement of Bryan Friess from Pearson Vue
- Witness Statement of Sam Foster from the NMC
- Witness statements of Witness 1 and Witness 2
- Other test Activity of Yunnik on the date you sat your test

From you:

- Your email dated 26 July 2024

In an email dated 26 July 2024 to the NMC, you stated that you have over 27 years' experience working within the nursing profession and that you passed the CBT, in the times as stated above, due to your knowledge/ educational achievements within the profession. You also stated that:

'...I was able to solve and answer most of the questions and hurriedly submitted because I have to return to work. I believe the center has CCTV that can be revert to if that will help ,I will employed the investigation team to ask the center for the footage...'[Sic]

The Assistant Registrar considered your explanation. However, in their view, this did not 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. The Assistant Registrar was not satisfied that they had been presented with anything that changed the conclusion that you are 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 27 August 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 20 September 2024, within the 28-day time limit.

Evidence

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

- Wendy Fowler: Employed by NMC as Nursing Education Adviser.
- Darren Richards: Head of Insurance Registration and Risk at Broadstone who previously worked with Richard Steele at OAC. The purpose of his evidence was to adopt the reports and addendums prepared by Richard Steele for the NMC.
- Elizabeth Lamont: Employed by NMC as Assistant Director for Registration and Revalidation and a member of the NMC's Executive Management Team for Professional Practice.

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

- Sarah Kovach-Clark: Employed by the NMC as Assistant Director of Policy who adopted the Witness Statements of Sam Foster and Linda Everett.

- Julie Bliss: Employed by the NMC as a Senior Nursing Education Adviser and part of the Executive Team in the Professional Practice Directorate.

- Nazira Ashikin: Employed by the NMC as a paralegal.

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

The panel heard from you under Oath.

You told the panel that you admit to using a proxy when completing your test at the Yunnik test centre.

You told the panel that after you went through the OSCE process you realised the extent and gravity of the fraud that occurred at the Yunnik Centre. You told the panel that you accept responsibility for using a proxy test taker and that you initially refused help but subsequently gave into pressure. You also stated that, you were pressurised into seeking assistance of the proxy taker because you were told that there could be a power outage at any time.

You told the panel that you have a diploma in nursing, midwifery and in public health nursing (in Nigeria). You told the panel that you had no prior knowledge of proxy takers at the Yunnik centre and that this was your first time taking an international exam and did not know what to expect.

You told the panel that following the NMC's email to you stating that you had obtained your results fraudulently you retook the CBT test, which you passed.

You told the panel that after you had taken the initial CBT test, you returned to work with a guilty conscience and you could not open up to anyone about what happened at the Yunnik test Centre. You told the panel that because you are under Oath you want to tell the truth.

When questioned by Ms Muniya how you got assistance during the test, you stated that there was a man at the test centre who told you that you were not being fast enough and that you need to be quicker. You stated that he pressured you into accepting his assistance. You also stated that he sat beside you whilst answering the questions and he supplied the answers. You were not asked to pay for this assistance.

Submissions

Ms Muniya outlined the background of the case.

Ms Muniya submitted that, it is not disputed by you, that you obtained your CBT results on 14 September 2022 fraudulently. She submitted that there is compelling evidence before the panel that there was widespread fraud occurring at the Yunnik test Centre and that your test times also suggest that you participated in fraud.

Ms Muniya submitted that, notwithstanding your admission, given that the fraud is proven you do not meet the character requirements for registration onto the NMC register. She referred the panel to the NMC Health and Character requirement document.

Ms Muniya submitted that the panel should go on to consider the evidence that it heard from you and question why it does not have before it a detailed account of the circumstances at Yunnik. She submitted that, when asked in cross examination, how the fraud took place you did not provide much detail.

Ms Muniya submitted that the panel has no evidence before it of reflective pieces to reassure it that you have reflected on using a proxy to take your CBT test. She further

submitted that there is no evidence of insight into your actions and that you have not been able to fully reflect on the extent of your conduct.

Ms Muniya further submitted that you have provided no supportive employer references. She submitted that despite being employed as a Healthcare Assistant since 2023 you have not provided any references to attest to your good character and/or work.

Ms Muniya submitted that based on your oral evidence this is a case of admitted dishonesty in the context of registering as a nurse to join the UK register. She submitted that this is a serious matter and one that is offensive to the NMC's objective to maintain the integrity of the register.

Ms Muniya submitted that it was before you wrote to the NMC for the Assistant Registrar's attention on 26 July 2026 you had already taken the OSCE test. She submitted that despite knowing the professional values at that stage, you still decided to continue being dishonest by denying the allegation of fraudulently obtaining your CBT test results. Ms Muniya submitted that this is incompatible with being on the NMC register.

You submitted that you qualified as a nurse in Nigeria in 1993 and practised there as a nurse for some of 30 years. You submitted that the NMC should not base this appeal on that fact that you have been out of work since 2023. You told the panel that you are willing to participate in a return-to-work practice course if your appeal is allowed.

You submitted that you would not like your career to be stopped as you have built your nursing career over many years. You submitted that you would like your appeal to be reconsidered and stated that you will never do anything of a similar nature again. You told the panel that, at the time you took your CBT test at the Yunnik centre, you did not understand the gravity of what you did until you completed the OSCE test. You told the panel that, you were capable of doing the CBT without any assistance.

You submitted that you would like the chance to be able to nurse in the UK and that you are able to practise safely and prioritise people.

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 Bryan Friess and Richard Steele's data analysis adopted by Darren Richards, including diagrams 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 also took into account Mr Friess' documentary evidence. He identified a number of factors which, in his view, made it highly likely that human interference had been involved.

The panel took into account the evidence, adopted by Sara Kovach-Clark which provided summaries of admissions from a number of candidates who have come forward to admit to using a proxy test taker at the Yunnik Centre.

The panel also considered the signed 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 was mindful that Witness 1 and Witness 2's written statements and the summary of admissions amounted to hearsay evidence and only related to their own personal experiences at the Yunnik Centre. There was no suggestion that any of these candidates who have made admissions took their test on the same day as you. The panel therefore relied on these to provide some context for fraudulent activity occurring at the Yunnik Centre on the dates they attended for their tests.

The panel noted that you did not dispute the admissibility of the hearsay evidence which was admitted into evidence and given appropriate weight by the panel. The panel further noted that in your closing submissions you stated that you admit to using a proxy test taker due to feeling pressured.

Considering all this information, the panel is satisfied that the NMC has proved, on the balance of probabilities, that there is evidence of widespread fraud occurring at the Yunnik centre.

The panel next considered whether the NMC, on the balance of probabilities, has proved that you obtained your CBT results on 14 September 2022 through fraud.

The panel considered Richard Steele's analysis of your specific data, which provided the following odds of how achievable your test times were:

'Evaluated Clinical Timings: 11.05 minutes: Odds less likely than 1 in 56,478

Evaluated Numeracy Timing: 14.3 minutes: Odds 1 in 7.05'

The panel also considered that the data showed that you achieved the fastest time globally in your clinical test. The panel also took into account that you answered 74/100 clinical questions correctly within 6 to 7 seconds per question.

The panel noted that there were 2 other candidates who took the test at the same time as you and that they both finished 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 the 2 candidates sitting the test in close proximity on the same day could complete it so rapidly without help.

The panel considered your oral evidence in which you admitted you sat the test with the assistance of a proxy test taker is more likely than not to have occurred and that you obtained your CBT 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 considered your 27 years of clinical experience and acknowledged that it did not have any concerns relating to your clinical practice before it. However, it noted that you did not provide any testimonials or references despite being employed as a Healthcare Assistant in the UK since 2023. It also considered that you had many opportunities by the NMC to come forward and admit to fraudulently obtaining your test results, but you did not. It determined that your level of knowledge and experience within the nursing profession should have prompted you to act as a role model and be honest.

The panel considered your oral evidence and determined that, although it appreciated you made an admission this admission was very late in the process. It also determined that you have not fully developed your insight into your actions. It noted that, in your oral evidence, you gave the panel the impression that the NMC would reject your appeal due to lack competency. Your concern was that you had become deskilled as a result of not practising as a registered nurse. The panel determined that it was not satisfied you understood or appreciated that your appeal could get rejected due to dishonesty and was not based around your competency. The panel further noted that, although you stated you now understand the gravity of what you did, you have not demonstrated remorse into your actions or produce any detailed reflections. You have not attended any courses and told the panel that you did not *'have the willpower to refuse bluntly'*. The panel accepted your oral evidence that you felt guilty after you took the CBT test at the Yunnik Centre however, the panel determined that you did not make sufficient effort to contact Person VUE or the NMC at any stage to explain what had happened.

The panel further determined that, fraudulently obtaining your CBT test results is a deliberate dishonest act. It determined that such dishonesty breaches a fundamental tenet of nursing. The panel concluded that, such dishonesty, is not consistent with being a registered nurse and are not capable of safe and effective practice. Further, the panel took into consideration the overarching objective to protect the public and thereafter address the wider public interest in maintaining confidence in the nursing profession.

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.