

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Monday 23 – Wednesday 25 February 2026**

Virtual Hearing

Name of Appellant: Nyakno Payo Ekereke

NMC PRN: 1022685209

Type of case: Registrations appeal

Panel members: Ingrid Lee (Chair, Lay member)
Godfried Attafua (Registrant member)
Richard Carnell (Lay member)

Legal Assessor: Gillian Hawken

Hearings Coordinator: Charis Benefo (23 February 2026)
Rebecka Selva (24-25 February 2026)

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

Ms Ekereke: Present and represented by Marc Walker of What Rights

Decision: **Appeal dismissed**

Decision and reasons

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 4 March 2025, that you did not meet the character requirements for registration to the NMC register.

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

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 version of the CBT which was in use from 2014 to 2021/2022 was a 180- minute test, comprising 120 multiple choice questions which were intended to test numeracy and clinical skills. This former test has been referred to as "the legacy CBT". After a transitional period, it ceased to be possible to take the legacy CBT. The exam developer for the CBT had a bank of 259 unique questions, known as 'items'. These were split into three possible versions of the exam, known as 'forms'. Each of the three forms had unique items and items that were shared with other forms. At irregular intervals, new versions of the exam were created and items removed, amended or added, to coincide with any updates to the NMC standards. For each delivery of the legacy CBT exam, one of the three forms was chosen at random and the questions/items within that form were presented in random order. Each item consisted of a 'stem' (i.e. the text of the question) and four options to choose from, shown in random order. If a candidate failed the test and retook it, they would be given a new 'form'. Candidates can only attempt the CBT three times as part of one application with a minimum of 10 days between each sitting. After that, they would have to wait 6 months before they could reapply.

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 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.

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.

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

- Numeracy: 2.65 Minutes (Time allocated for test: 30 minutes).
- Clinical: 6.15 Minutes (Time allocated for test: 150 minutes).

Following Witness 5's analysis, excluding time taken in introductory and review screens, your actual test completion time was:

- Numeracy: 2.25 Minutes (Time allocated for test: 30 minutes).
- Clinical: 5.03 Minutes (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:

- Your completed application
- Expert reports by Witness 5 Head of Data Analytics at OAC;
- Witness statements of Witness 4, Director of Information Security and Security Services at Pearson VUE;
- Witness statements of Witness 6, Executive Director of Professional Practice at the NMC;
- Your email dated 21 February 2024 with an attached response to the concerns
- Your email dated 22 February 2024 with an attached copy of your passport.

In your correspondence, you stated that you did not agree with the test times provided by the NMC. You stated that you prepared for the CBT for months, having used various resources, and you were also a tutorial mentor for nurses who wished to join nursing in the UK. You also asked the Assistant Registrar to consider the resit you took in the UK to note if there was a significant time difference to the test taken at Yunnik. It is your case that you chose to sit your CBT at Yunnik in Ibadan as that test centre had available dates during your '*one week night off duty*' at work and there were no available dates for a closer centre.

The Assistant Registrar considered your explanation. The Assistant Registrar was satisfied that the NMC had undertaken reasonable enquires with Pearson VUE in respect

of your test times and it had their assurance from the thorough and detailed investigation they conducted, that there was no system error or 'hack' that could have produced the test result times. The Assistant Registrar accepted that thorough preparation undertaken by any candidate may increase the likelihood that they would achieve a pass. 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 found that your resit test time, although still a quick time for Part B, was significantly slower than the test time taken at Yunnik. They also noted that you had failed Part A on the first attempt, and whilst accepting that in your re-sit, you may have been anxious at having to take the CBT again in these circumstances, the Assistant Registrar did not accept that it explained your very quick test time at Yunnik. The Assistant Registrar was therefore not satisfied that they had been presented with anything that changed the conclusion that you more likely than not obtained your CBT result fraudulently. The Assistant Registrar therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 4 March 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 27 March 2024, within the 28-day time limit.

Evidence

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: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.
- Witness 4: Director of Information Security and Security Services at Pearson VUE.
- Witness 5: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.
- Witness 6: Employed by the NMC as the Executive Director of Professional Practice.
- Witness 7: Senior Nursing Education Adviser and member of the Executive Team in the Professional Practice Directorate at the NMC
- Witness 8: Paralegal at the NMC

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

- Your statement of appeal dated 25 March 2024;

- A positive character reference from your line manager at University Hospitals Dorset NHS Foundation Trust (the Trust), where you currently work;
- A positive character reference from a Clinical Endoscopist at the Trust;
- Your witness statement dated 22 February 2026;
- Your work duty rota for February 2023;
- Evidence of incorrect evidence provided to another candidate by the NMC;
- The same day test data originally provided to you by the NMC which contained an error;
- A number of positive character references and feedback from your colleagues and patients at the Trust, your former employer in Nigeria and your head of department at university in Nigeria; and
- Screenshots of WhatsApp/Telegram group conversations.

In addition, you provided live oral evidence on oath.

Decision and reasons on application for hearing to be held partly in private

During your oral evidence, Mr Walker made a request to hold in private the parts of the hearing that involve reference to your personal life and family matters. The application was made pursuant to Rule 30(1) of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004.

Ms Khan indicated that she did not oppose the application.

The panel accepted the advice of the legal assessor, who reminded it that the hearing shall be held in public unless the Appeal Panel is satisfied that, in the interests of justice or for the protection of the private life of the appellant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing.

The panel decided to hold in private the parts of this hearing that involve reference to your personal life and family matters, as and when such issues are raised in order to protect your privacy.

Submissions

Ms Khan submitted that your test times from the CBT taken at Yunnik were one of the fastest times recorded. She submitted that 172 minutes (nearly 96%) of the total available time of 180 minutes remained outstanding, yet despite this, you achieved a score of 100% in the numerical part and 88% in the clinical part of the CBT.

Ms Khan asked the panel to consider Witness 5's supplementary report which set out the individual question time bands for your CBT on 21 February 2023. She also referred to the same day test data which indicated that four other candidates took their CBT at Yunnik on the same day as you. Ms Khan submitted that whilst three of the candidates did not have "outlier" test times, the last candidate of the day, who started their test at 11:33, had produced a similar time to yours in their CBT, achieving three minutes in the numerical part and 10 minutes in the clinical part of the CBT.

Ms Khan submitted that despite there only being two computers at Yunnik, between 08:42 and 11:46 that day, there were five candidates who were all present, able and willing to start their CBTs in the total time that one test ought to have been scheduled for. Ms Khan later clarified that she should have said two tests.

Ms Khan referred the panel to the data setting out the test times of candidates who had admitted to using a proxy at Yunnik between 19 April 2022 and 13 March 2023. She submitted that just a month before and a month after your own CBT, there were numerous admissions, but there were also four admissions from February 2023 and one admission from a candidate who took their test the day before you. Ms Khan asked the panel to note that the 2023 test times became concentrated and short in comparison to the 2022 times, indicating that the proxies became more proficient with test-taking and more familiar with the questions from the pool. She submitted that between January and March 2023, the incredibly short test times were not dissimilar to your times, and they were reflective of a proficient proxy test-taker.

Ms Khan submitted that in your resit of the CBT in the UK on 22 December 2023, you failed the numerical part of the test, having achieved a result of 80%, but passed the clinical part with a result of 85%. She submitted that the quick test times were not adopted on that occasion, because nearly all of the available time for the numerical part of the test was used (27 minutes of the 30 minutes available), and your time of 36 minutes in the clinical part was seven times slower than your Yunnik time. Ms Khan submitted that your subsequent resit of the numerical part of the CBT on 4 January 2024 resulted in a pass at 93%, but you, again, used two-thirds of the time available to you.

Ms Khan submitted that in view of the totality of the evidence before the panel, the concerns surrounding your CBT result achieved at Yunnik were substantiated. She submitted that there was compelling evidence that proxy test taking was taking place at Yunnik and that a proxy was made available to you on the day of your test. Ms Khan therefore invited the panel to find that the Assistant Registrar's decision was reasonable, proportionate and firmly grounded in evidence, to dismiss the appeal, and to uphold the refusal of registration.

You told the panel that you prepared for the CBT for two months, two weeks and six days. You stated that you joined a "*special nurse's group*" and studied using material from the Pearson VUE website, YouTube and other online sources. You said that despite all of the study you undertook, you did not agree with the test times stated by the NMC because those times were too quick and you think there must have been a mistake. You stated that it took you '*nothing less than 45 minutes*' to complete the CBT at Yunnik.

You stated that you were the only candidate at Yunnik when you arrived there on 21 February 2023. You said that it had been your first time in Ibadan and when you got to the test centre, you were greeted by a man who asked if you had come there for the examination. You stated that after you confirmed you were there for the CBT, he asked you to come in and then checked your passport to confirm your identity. You said that you were asked to put your bag and phone away in a locker, before a photograph was taken of your face. You stated that you went through the same process for your resit CBT in the UK.

You said that the man took you into the examination room which had two computers and asked you to sit down and start your test. You stated that there was no one else in the room during your test, and the man did not return to the room once you started. You told the panel that you completed both parts of the CBT yourself and you did not receive any assistance to answer the questions. You said that after the test, you walked out of the examination room and went into the room where the initial checks were carried out. You stated that you were given a paper copy of your result and you left the building happy to have achieved a pass. You said that you did not check the time when you finished your CBT or when you left Yunnik.

You told the panel that you came to the UK on 31 July 2023. You said that shortly after you arrived in the UK, you received news from your family in Nigeria [PRIVATE]. You stated that it was a very difficult time for you; [PRIVATE] but you had to complete the resit CBT because the NMC required you to take it within a particular time period. You said that after the resit, you went back to Nigeria [PRIVATE].

In relation to the December 2023 resit, you said that you think you used more time to complete the numerical part of the CBT because you *'did not have any panic, no one was monitoring [you]'* and you were *'just doing [your] thing'*.

You told the panel that after you had passed the International English Language Testing System (IELTS) in Nigeria, you were ready to book the CBT. You said that you checked the NMC and Pearson VUE website and saw that there were no test centres in any of the South-South states of Nigeria where you lived. You stated that there was a lot of civil unrest in Southeast area of Nigeria, so you decided not to choose a test area in that part of the country. You said that you chose Yunnik in Ibadan because their available test dates suited your rota because you had a week off from work. You described your working pattern at the time and stated that the work rota had been prepared ahead of time so you knew you would be available to take the test in that week off.

You stated that your journey to Ibadan took approximately eight to nine hours and you travelled there by bus. You told the panel that travelling long distances was never an issue for you. You said that, for example, you had travelled over six hours to Cross Rivers State

for your passport, over nine hours to Benin for the IELTS, and over two days to travel for your National Youth Service Corps (NYSC).

In relation to your preparation for the CBT, you said that the WhatsApp study group you joined was very helpful because participants shared a lot of information about the CBT and addressed concerns and questions. You stated that people would report back to the group after completing the CBT, with a brief about the examination and an indication of what questions were asked from the practice material. You said that you also started a small group with three of your nurse colleagues (one of whom was already in the UK) where you studied together via video calls and messages. You stated, however, that you did not discuss amongst yourselves any arrangements about where to book the CBT. You said that you kept that aspect of your CBT personal and you did not want to involve anyone else.

You stated that you completed many courses when you were at university and the CBT was one of the simplest examinations you have sat in your entire professional career of 20 years. You said that you were sure that even a lay person could complete the CBT after preparation because *'it is easy to pass when you do it over and over again, just like what [you] did'*.

You referred the panel to the mistakes and errors you say that the NMC and Pearson VUE have made in their evidence. This included an email and evidence that had been disclosed to the incorrect candidate by the NMC, errors in Witness 7's evidence and the same day test data that had been provided to you previously. It was your case that in view of the errors in the NMC evidence, you believed that there was also a mistake in the timings stated for your CBT taken at Yunnik.

You provided the panel with an account of your relationship with your colleagues and mentor at the Trust, and in particular, your line manager, who had attested to your good character and was very supportive of you in your work and during this difficult NMC process. You also described your frequent and wide-ranging charitable donations and efforts for less privileged people in Nigeria.

You stated that carrying out or attempting to carry out a fraudulent test would not only be contrary to your character, but it would also endanger patient safety and would not show the right character of a nurse registered with the NMC. You said that '*nursing is in the heart*' and your patients are always so appreciative of the care you provide to them. You stated that no one should do anything '*evil or bad*'. You told the panel that you were born to be a nurse because you love caring for people and you would never want to enter the profession by doing anything that is against the rules and regulations of the profession.

In cross examination you said that you decided to join the UK register as far back as 2022, you began prepping for your IELTS, the test was in November 2022. You clarified that you made this decision due to religious reasons, that you believed it was your '*destiny*' and that you wanted a chance for growth within your nursing career. You said that colleagues call you the '*queen of TNG*' (Trans Nasal Gastroscopy).

You said that you are in the UK on your own as you would like to focus on your career.

You are certain that you studied for 2 months, 2 weeks and 6 days. You clarified that you were aware that appellants were being asked of this due to being a part of a WhatsApp group chat where similar CBT appellants are members. You stated that materials have been shared within this group chat to support the members.

You said that all the learning materials before the panel are your personal notes and study material you used to help prepare for your CBT. You clarified that when you prepared for your CBT you were a part of a Telegram group chat and you used various online resources. You said that the annotation on the study materials was already present when you received them. You said that that the documents were annotated when you were studying for your CBT in Yunnik. You said that many of the questions from the study material were exactly the same in the Yunnik CBT, if not, very similar.

Ms Khan referred to the statement of Witness 8.

Ms Khan submitted that the learning materials before the panel do not predate the day you sat your Yunnik CBT on 21 February 2023, whereas the learning materials have

annotations (via software) dated June 2023. She submitted that therefore, your accounts of having used these materials are untruthful.

You denied having given an untruthful account or having engaged in any fraudulent activity.

You said that when you were a part of these group chats, you are not sure if there were any mentions of Yunnik nor any mentions of proxy test takers.

You said that when you were practising mock tests for the CBT scheduled for February 2023 in Yunnik, it took you around 15 minutes for the numeracy test and around 25 minutes for the clinical test.

You said that from your hometown of Akwa Ibom it took you around 9 hours to travel to Ibadan via public transport.

You said that you selected Yunnik as your preferred test centre on the Pearson VUE website as it coincided with your availability. You said that at the time, there was no test centre in the South-South region and the only other test centre closest to you was restricted due to civil unrest. You said that Lagos is further than Ibadan hence you did not opt for the test centres located there. You said that you did not check for the other test centres in Ibadan as Yunnik was already available.

You said that someone helped you to book your test, specifically the payment for the test.

You said in your 20-year nursing career you have never sat a test that was as cheap as the CBT.

You said that you were scheduled to sit your CBT on 21 February 2023 at 13:45. You caught a bus at 9am on 20 February 2023 and arrived in Ibadan around 20:15. You said that you fell asleep on the bus overnight and made your way to the Yunnik centre the following day at 9:00.

You said that when you arrived at the test centre you were instructed to put your belongings away in a locker and to provide your passport. You were allowed to sit your test early as there was no other candidates. You said this also happened in the UK when you did your resit CBT. You believe that you started the CBT prior to 10:00.

You said that you were the only person in the test room in Yunnik. However, when you collected your result, you saw another woman walking into the centre. You said that you are unsure of when you left the test centre nor were at the station to catch the bus. You said that you got home the same day, but late in the night.

You said that you did not look at the time, but you believe you sat your CBT for around 45 minutes. You said that you did not review any of your answers as you were sure of them. You accepted that the test was important for your nursing career in the UK. You said that when you did your resit in the UK you did focus on the time. You believe the time before the panel must be an NMC or Pearson VUE error.

You explained that you did not focus on the time as you are used to nursing exams in Nigeria where an invigilator would warn you of the time.

You said that it took you longer to do the resit CBT as you also were planning to sit your OSCE. [PRIVATE]. You explained that when you sat your CBT in Yunnik you felt no pressure to pass, however when you had to resit the test in the UK you felt a greater pressure.

You accepted that the testimonials you have provided cannot speak to your test taking abilities.

In re-examination, you said that you had additional practise materials for your resit in December 2023. You said that you prepared for your resit from the end of November 2023. You said that around this time a friend sent you more practise materials to help prepare for your resit.

You clarified that you had lost your phone around March 2023.

You said that you had assistance of your sister to pay for your CBT which you sat at Yunnik.

You said that when you did your resit CBT in December 2023 you checked your answers.

In response to panel questions, you said that had never been to Ibadan prior to February 2023 and went to the centre in the morning of 21 February 2023 as you felt it was the safest place to be. You said that you were not surprised that you were invited to do your test earlier.

In closing, Ms Khan submitted that no candidate outside of Yunnik achieved the fast times you did on 21 February 2023. She submitted that such a rate is incompatible with the processes of reading, comprehension, reasoning and answer selection by a genuine candidate.

Ms Khan submitted that the evidence before the panel is credible, consistent and is compelling. She reminded the panel that Witness 4 and Witness 5's evidence has not been challenged in this hearing.

Ms Khan reminded the panel that fraudulent activity has been established at Yunnik and before the panel are 12 logged admissions of proxy use in 2023 alone.

Ms Khan submitted that the practice materials you provided for the panel are available globally for candidates to prepare for the test and were not unique to you.

Ms Khan identified limitations in the positive testimonials submitted on your behalf, such as them not being present whilst you undertook your test at Yunnik.

Ms Khan submitted that you provided several alternate explanations without any further evidence to fit your narrative.

Ms Khan submitted that you were able to provide in depth details in regard to travel and how you entered the test room, but you were unable to provide any answers to integral questions regarding timing.

Ms Khan invited the panel to dismiss the appeal and uphold the refusal of the Assistant Registrar based on the credible, consistent and compelling evidence that your CBT results were obtained through fraudulent means. She submitted that your results in question are deeply entangled with systemic malpractice at Yunnik that it cannot be safely relied upon as evidence that you are capable of safe and effective practice, or that you meet the character requirement for entry onto the register.

In closing, Mr Walker on your behalf, reminded the panel that the written submissions provided by the NMC is largely based on hearsay evidence.

Mr Walker submitted that you were not alerted to the suspicions being raised around your CBT were due to timings until September 2023. He submitted that you had raised numerous times before this hearing that you did not agree with the times provided for your Yunnik CBT in February 2023.

Mr Walker identified limitations in Witness 4 and Witness 7's documentary evidence.

Mr Walker identified the limitations in affording Witness 1 and Witness 2's documentary evidence much weight.

Mr Walker referred to the numerous testimonials before the panel which speak to your good character, competence, honesty and integrity. He submitted this is significant in assessing whether you are the type of person to be engaged in such fraudulent activity.

Mr Walker submitted that there is no evidence before the panel that you travelled unnecessarily far or that there were other centres closer than Yunnik.

Mr Walker invited the panel to find that your CBT was not obtained through fraudulent means and to allow the appeal.

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 Yunnik at the time you took to complete your CBT. The panel found the evidence before it to be cogent and credible.

The panel had sight of the Pearson VUE data from Witness 4 and the independent expert analysis provided by Witness 5, including tables of data and graphs setting out the times taken globally and at other centres in Nigeria to complete the CBT. The panel noted the distinctly different time distribution plots when compared to the times achieved by candidates at Yunnik.

The panel had sight of statements and analysis provided by Witness 4. It had sight of Witness 5's data analysis, including diagrams which evidence the times taken globally, including other test centres in Nigeria, to complete CBT, compared to the times achieved at the Yunnik centre. The panel considered that Witness 4's findings were corroborated by Witness 5's independent research which outlined the stark difference in the test times taken at Yunnik as opposed to globally. The panel also considered that Witness 4 confirmed that there were no cyber-attacks or software malfunctions at Yunnik test centre.

The panel took particular note of the Pearson VUE evidence prepared by Witness 4 which identified patterns that were not found at other testing centres globally and the fact that the number of fraudulent cases at the centre increased over time, both of which the panel considered were indicative of the use of human proxies. In reference to Witness 5's '*Analysis over time*', the panel considered that this evidence supported a proxy's increased familiarity with taking the tests and absence of being discovered were more likely than not to increase their speed and use at the test centre.

Having considered all the information before it, the panel noted the compelling generic evidence of statistical anomalies and patterns of suspicious behaviour at Yunnik. This included:

- Unusually fast test completion times with high test scores, suggesting interference.

- Independent statistical analysis by Witness 5, confirming statistically significant discrepancies between CBTs taken at Yunnik and those taken in the rest of Nigeria and globally.

The panel also noted the evidence of Witness 4 detailing the pattern of proxy behaviour reported on days when the NMC have received admissions of fraudulent behaviour. The panel considered that the evidence of the witness statements of both Witness 1 and Witness 2, although hearsay in nature, provide contextual evidence that proxy activity was taking place at the Yunnik test centre and during the period in question. Again, the panel considered that these do not provide direct evidence of the day you took your test at Yunnik but provide further contextual evidence to support the proposition of fraudulent activity at Yunnik. However, based on the admissions of other candidates having used a proxy to complete their CBT the panel considered that it did demonstrate, on a balance of probability, that fraudulent activity did take place on five days in February 2023, including the 20 February 2023 – the day before your test. The panel also referred to Witness 6's statement that there were over 30 other recorded admissions of candidates' experience of fraudulent activities and use of human proxies at the Yunnik test centre. The panel considered this material to be properly admissible and to carry significant weight because it was consistent, corroborated, and aligned with the wider objective and contextual data.

Therefore, on the balance of probabilities, the panel found that it was more likely than not that there was widespread fraudulent activity taking place at the Yunnik centre.

The panel next considered whether it is more likely than not that you obtained your CBT result at Yunnik fraudulently.

The panel noted that although you disagreed with your timings provided by Witness 4 for your CBT sat in February 2023, it had sight of your resit times letter which also contained your PRN – it noted that you agreed with the information in this letter and that the PRN was correct. The panel accepted your concern of the error made with highlighting another candidate's CBT time as suspicious when it was not, however, it determined that this error did not relate to your CBT times provided by Witness 4 nor was the timing itself of that other candidate identified as being incorrect. The panel also considered that the integrity of the system, which captures the CBT times, was not disputed or challenged. The panel

drew a reasonable inference from the evidence before it and concluded that the timings before it were accurate and did not accept or hear sufficient evidence to support your position that the times did not relate to your own test or that there any errors with your timing data.

The panel considered your evidence that the NMC had made numerous errors. The first one being, that they incorrectly disclosed a photograph and signature of another candidate undertaking the CBT. It further considered your evidence that there were errors in Witness 7's analysis of her data provided in her report. The panel considered that although these were errors admitted by the NMC, it accepted that they were human errors as submitted by Ms Khan and did not consider the information to be similar to that generated by a computer system as in the system used by Pearson VUE relating to your test times.

The panel considered your evidence that you chose Yunnik to sit your CBT as it was prompted to you on the Pearson VUE website for your preferable dates. You said that you would have sat the CBT in a centre closer to you were it not for the civil unrest. The panel accepted that your explanation for attending Yunnik to take your test was plausible as other centres were closer to you but not deemed safe, however you provided limited evidence as to why you chose Yunnik over any other centre in the Ibadan area.

The panel considered that your recollection of timings was very vague in regard to your travel to and from Ibadan from Akwa Ibom but were incredibly detailed in other aspects such as when you were in the test centre, as such, it found your account in respect of this lacked credibility.

The panel had sight of the analysis provided by Witness 5 and Witness 4's data, including diagrams which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at Yunnik. The panel considered Witness 5's analysis of your specific data, which provided the following evaluated odds of how achievable your test times were:

'Evaluated Clinical Timing: 2.25 minutes: Odds 1 in 58,123.

'Evaluated Numeracy Timing: 5.03 minutes: Odds 1 in 56,478'.

The panel noted that there were four other candidates who took the test at Yunnik on the same day as you and during the same time period that was in close proximity to your test. The panel noted that one other candidate was also flagged as suspicious 90 minutes after you sat your test. The panel concluded the probability of two exceptionally fast test takers being present in the same centre and on the same day, to be highly improbable and a strong indication of fraudulent activity and in all likelihood a proxy being in use at the centre at the time and date you took your test. The panel further considered that five candidates should not have been able to sit their tests within a three-hour period with only two computer terminals at Yunnik given that each test alone should have been allocated 150 minutes. It also considered your evidence that no other candidates were present in the test room was contradicted by the data provided which indicates that there were.

The panel noted your evidence that you prepared very thoroughly for your CBT for under three months, with various types of practice materials. The panel considered that most of these resources would be available globally, and that this would suggest that other people globally or in other test centres in Nigeria who accessed similar practice material might have been able to complete the test fast enough to meet the fraudulent concerns threshold. However, the data provided does not indicate such frequent and fast times at any other test centre. Further, the panel has seen evidence of your resit CBT sitting and there was nothing to suggest that you are a student who could complete exams in exceptional times with exceptional results, especially given that you had failed the numeracy part of the resit on the first occasion in December 2023.

In your live evidence you accepted that the CBT was an important exam for your future to progress in becoming a nurse in the UK and would not have wanted to fail. As such, it found it implausible that you would have completed the CBT after such a short time, without reviewing your answers and left early given that the time allocated for your test was 3 hours. The more likely explanation is that you were confident in your result because of your use of a proxy. This approach appears to be contradictory to the expected approach by a registrant sitting such a critical exam on which your future registration as a nurse in the UK depended on. The panel also took into account that the NMC Guidance on test taking which reinforces the need to check and double check answers. The panel noted that you provided no reason for having to finish your CBT quickly rather than using the full time allocated.

The panel approached your evidence with care, recognising the potential impact of stress, cultural factors, and the need to distinguish credibility from reliability. However, your explanation did not provide any plausible account of the extremely rapid exam times recorded. Neither did it demonstrate how only the times on the data regarding your exam had been incorrectly attributable to you but that all the other data (including your PRN, start time and scores) was not disputed. Your account did not fit with the structure and expected duration of the CBT, the contextual evidence relating to that test day, or the wider pattern found at Yunnik.

In view of the panel's decision that there was widespread fraud occurring at Yunnik, the panel found that due to the exceptionally quick time in which you achieved your CBT clinical result, this made you one of the fastest candidates globally, it was highly unlikely that you could have achieved this without the assistance of a proxy. Furthermore, whilst the panel acknowledged some errors in the NMC material there was insufficient material to demonstrate that your times were either inaccurate or had been wrongly attributed to you. When looking at the comparison between your times and those of the global candidate population, from a test centre where there was widespread fraud, the panel considered that the only plausible explanation for you achieving your pass in the time that you did, was that you either used a proxy or had the assistance of a proxy.

The panel was satisfied that there is cogent evidence in relation to exceptionally fast completion times, and the same day evidence at the Yunnik centre on that day, that you had completed the test with the assistance of a proxy. The panel therefore determined that it was more likely than not that you obtained your CBT result fraudulently.

The panel went on to determine whether you met the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character. The panel noted that it was for you to satisfy it that you meet the character requirements for successful admission on the register.

The panel had sight of the numerous positive testimonials before it and your previous unblemished career but having found that you fraudulently obtained your CBT result and

have maintained your position throughout your engagement with the NMC and the panel, it could not be satisfied that you are of good character.

The panel had determined on the balance of probabilities that you had tried to gain entry to the NMC register by means of fraud. This is not the behaviour expected of a registered nurse.

The panel had regard to 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015)', in particular paragraph 20, which sets out that registered nurses are expected to uphold the reputation of the profession. The panel therefore concluded that, in all the circumstances of your case, you were not able to demonstrate that you met the character requirement for NMC registration.

The panel therefore decided to dismiss your appeal and 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.