

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday, 1 September 2026 – Thursday, 3 September 2026**

Virtual Hearing

Name of Appellant:	Folasade Adeola Fujamade
NMC PIN:	1022251631
Type of case:	Registrations appeal
Panel members:	Godfried Attafua (Chair, registrant member) Katriona Crawley (Lay member) Arijana Kilic (Registrant member)
Legal Assessor:	Paul Hester
Hearings Coordinator:	Fabbiha Ahmed
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury, Case Presenter
Ms Fujamade:	Present and represented by Dr Abbey Akinoshun, lay representative
Decision:	Appeal dismissed

Application made by Dr Akinoshun on Recusal

On Day 1, Dr Akinoshun, on your behalf, made an application for the Chair of this panel to recuse himself. Dr Akinoshun's application for recusal was based on a professional relationship he had with the Chair approximately 20 years ago, where the Chair had been Dr Akinoshun's line manager.

Dr Akinoshun submitted that this is not an allegation of actual bias or bad faith, nor was it suggested that the Chair would be incapable of approaching a decision for this hearing fairly. He submitted that, there may be a perception of bias in light of the professional relationship.

Ms Chowdhury, on behalf of the NMC, opposed this application. She submitted that the members of the panel are trained to be independent and impartial when hearing these cases. She submitted that any decision made, will be made by three panel members and not just by the Chair. Ms Chowdhury also submitted that the panel is assisted with legal advice that is independent.

Ms Chowdhury submitted that this is not a case where the appellant is saying that she knows the Chair, but that it is rather Dr Akinoshun who knows him and worked with the Chair more than 20 years ago in a professional capacity.

Decision and Reason on Recusal

The panel heard and accepted legal advice.

It considered the submissions made by Dr Akinoshun and Ms Chowdhury.

The panel refused the application for the Chair to recuse himself.

The panel applied the test in *Porter v Magill* [2001] UKHL 67.

The panel firstly ascertained all the circumstances which have a bearing on the suggestion that the Chair/panel is biased. The panel noted that the professional

relationship between the Chair and Dr Akinoshun was some 20 years ago. Dr Akinoshun did not suggest in his submissions that the relationship gives rise to actual bias or that historically there has been any bad faith. The panel further noted that Dr Akinoshun based this application on the perception of bias. In this circumstance, the panel went on to consider whether the circumstances would lead a fair minded and informed observer to conclude that there is a real possibility that the Chair/panel is biased. The panel decided that as there is no suggestion of actual bias and that the relationship is historical, that a fair minded and well-informed observer would conclude that there is no real possibility of the Chair/panel being biased. In these circumstances, the panel decided that the public would remain confident in the Chair/panel administering justice in this case.

The panel therefore refused Dr Akinoshun's application for recusal.

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

Background

On 16 March 2023, Pearson VUE, the NMC's computer-based test (CBT) provider, alerted it to unusual data relating to tests taken at Yunnik Technologies Ltd test centre in Ibadan, Nigeria (Yunnik). The CBT test is in two parts, numeracy and clinical. The data raised questions about whether some or all of the CBT results at Yunnik had been obtained through fraud and called into question the validity of all tests taken at Yunnik.

Following completion of the NMC's initial investigation into this issue it concluded that there was evidence of widespread fraud at the Yunnik centre, where a large number of candidates had allegedly fraudulently obtained their CBT. The NMC asked Pearson VUE to provide it with assurance that the data concerning tests taken at Yunnik were accurate, and not the result of a system error, cyber-attack, or other technical issue. Pearson VUE confirmed that, following a detailed investigation into the testing facility at Yunnik and review of the data, Pearson VUE were satisfied that there was no evidence of system error, cyber-attack, or other technical error and that the data was indicative of one or more proxy testers operating at the centre.

The NMC next asked an independent data analytics expert of OAC Limited (OAC), 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 as a benchmark the 1 in 2500 percentile in order to identify tests which were taken at certain speed that it is likely that they were conducted using fraud most likely a proxy test taker.

The Pearson VUE raw data provided to Richard Steele for his analysis had your times when tested on 21 November 2022 as follows:

- Numeracy: 3.8 Minutes (Time allocated for test: 30 minutes).
- Clinical: 18.62 Minutes (Time allocated for test: 150 minutes).

Following Richard Steele's analysis and excluding time taken in introductory and exit screens he had your actual times taken to complete your CBT as follows:

- Numeracy: 3.42 Minutes (Time allocated for test: 30 minutes).
- Clinical: 17.35 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 her 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 18 July 2024
- Reference from Pastoral Lead for Internationally Educated Nurses, employed by Oxford Health NHS Foundation Trust
- Your Registered Mental Health Nurse CBT pass certificates dated 6 July 2023

In your material correspondence you stated that you were not involved in, or aware of, any fraudulent activity at the Yunnik test centre and that you were not aware of anyone who was involved in it either.

It is your case that you undertook one month preparation before you booked your CBT by using various study materials and practice questions such as the Pearson VUE Website. You said that you were confident in your clinical experience to sit the CBT. You said that you travelled to Ibadan to stay with a family member. It is your case that the structure of the tests was the same as Pearson VUE practice tests. You stated that you arrived at the test centre at 9:55am and permitted to start your test at 10:03am even though it was scheduled to start at 10:30am.

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 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 5 August 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 2 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 the NMC as
Nursing Education Adviser.

- Bryan Friess: Director of Information Security and Security Services at Pearson VUE.
- 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 the addendums prepared by Richard Steele for the NMC.

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.
- Sara 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.

The panel also had before it a character testimonial from the Deputy Ward Manager and reference from Pastoral Lead for Internationally Educated Nurses of your current employment, Oxford Health NHS Foundation Trust.

The panel heard evidence from you under Oath.

You summarised your employment history to the panel and told it about the numerous places where you practiced as a registered nurse in Nigeria. In particular you told the panel that you became a registered nurse in 1999 and then qualified as a midwife in 2001. You told the panel, prior to coming to the UK, you were employed as Assistant Chief Nursing Officer responsible for a significant budget.

You told the panel that you studied for one month prior to booking your CBT Test and that you studied using a range of materials that you found online, in particular, a workbook including 1060 CBT Questions and the Pearson VUE practice tests. You told the panel that you went through the questions within the workbook three times before your exam. You told the panel that most of the questions you found within the workbook and on the Pearson VUE, website were replicated, save for names and figures, within the exam. You told the panel that you were also confident given your clinical experience and knowledge that you would perform well in the test.

You told the panel that you decided to search online for a test centre where you came across the Yunnik Centre, which was accredited. You told the panel that you

chose to sit your test at Yunnik because you could stay with a family member who was able to accommodate you. You told the panel that Ibadan was about one hour away from where you lived and your relative's address about 30 minutes from the Yunnik Centre.

You told the panel that when you arrived at the Yunnik Test Centre you met with a lady who you believed was the receptionist. You told the panel that you arrived at 9:55am and after your registration you were told to sit your test at 10:03am even though your test was booked in for 10:30am. You told the panel that you did not think much of this and sat your Test. You told the panel that there was no one else at the Test Centre apart from you and the receptionist. You stated that a lady came to you during your exam telling you to '*be quick*' as there were other candidates waiting to use the computer. You told the panel that there was only one working computer and that you did not see or communicate with anyone else.

You told the panel that you '*argued with her*' and told her that you have three hours to complete the exam. You told the panel that you took this into consideration '*to be quick*' and completed your CBT Test at 10:25am and waited for about 10 minutes after this for the results.

You told the panel that you did the second CBT Test on 6 July 2023 because you wanted to apply for a Mental Health Nurse role as you had not had any success with adult nursing applications. When questioned about the slower test times and lower scores compared to the tests taken at the Yunnik Centre, you told the panel that you finished early but spent more time because you waited for the time to '*roll over*' as you were paranoid in light of the concerns that had been raised about your fast times at Yunnik.

You told the panel that you are a trustworthy person and that you did not obtain your CBT Test results fraudulently. You told the panel that you wrote the CBT exam yourself and that you did this without any support or prompting.

You told the panel that you have never had any concerns raised about your integrity or faithfulness. You reiterated to the panel that your extensive career history, education and exam preparation is what had assisted you.

You told the panel that there have been no concerns raised about you from your current employer, Oxford Health Foundation NHS Trust, where you have been working without concern for 2 and a half years.

Submissions

Ms Chowdhury on behalf of the NMC submitted that the burden to prove fraud rests with the NMC.

Ms Chowdhury referred to the short completion times recorded for the CBT test at the Yunnik Centre and submitted that it was unnecessary to speculate as to why an individual might choose to use a proxy or the exact methodology. Ms Chowdhury submitted that the Panel should not assume that only ill-prepared candidate's cheat.

Ms Chowdhury submitted there was generic evidence of widespread fraud at Yunnik as evidenced by Bryan Freiss and Richard Steele. She submitted that the unique data pattern was also supported by admissions from other candidates namely, Witness 1 and 2.

Ms Chowdhury submitted that when comparing the data from the two CBT tests that you had taken, it was evident that on the numeracy section, you are seven times slower and on the clinical section you are five times slower when taking the mental health CBT. Ms Chowdhury submitted that you went from being very fast on the 21 November 2022 to being an average candidate on the 6 July 2023.

Ms Chowdhury submitted that this is not one of those cases where you sat the second test after specific concerns were raised or that you knew you were under NMC investigation. Ms Chowdhury submitted that from your evidence you stated that you did the second test because you wanted to apply for a mental health position.

Ms Chowdhury submitted that the main reason for the significantly quicker time at the Yunnik Centre is that in the second test, you did not have a proficient proxy to help you.

Ms Chowdhury submitted that the timing for the second test does not support your assertions that you recognised questions from the practice paper which enabled you to answer the CBT questions at the Yunnik Centre faster. She further submitted that your explanation for letting the *'time roll on'* at the second test is not plausible when taking into consideration that you were an exceptional candidate at Yunnik. Ms Chowdhury submitted that you spent significantly less time at Yunnik and did better than you did when you had more time on the second CBT test.

Ms Chowdhury said that practice materials could not explain the speed of your Yunnik test because there was no meaningful overlap between practice questions and live exam questions. The NMC relied on evidence that questions were randomised and that candidates sitting again would receive a different set of questions.

Ms Chowdhury also submitted that it is improbable that four other exceptional candidates would have been together at Yunnik on the same day taking their tests in close proximity to one another.

Ms Chowdhury submitted that the generic, specific and live evidence showed that it was more likely than not that your Yunnik CBT result was obtained through fraud. She invited the panel to dismiss the appeal and uphold the Assistant Registrar's decision.

Dr Akinoshun submitted that the passage of time from November 2022 may have impacted on your recollection to accurately recall the specific details of the CBT exam.

Dr Akinoshun accepted that the NMC have legitimate concerns about the widespread fraud at Yunnik. However, he submitted that not every candidate that took their test at the Yunnik test centre participated in fraud.

Dr Akinoshun submitted that suspicions arising from quick tests is not the same as proof. He further submitted that suspicion surrounding the results is not sufficient for the panel to find fraud. He submitted that you have a longstanding professional background, with over 24 years of clinical experience. Dr Akinoshun submitted that you have the skills, knowledge and competency to aid you in answering the CBT test questions.

Dr Akinoshun submitted that you had no motive to have acted fraudulently. He submitted that there was no pressure for you to become a nurse in the UK as you had a secure role as an Assistant Chief Nurse in Nigeria. He submitted that it was professional curiosity that drew you to nursing in the UK. Dr Akinoshun submitted that there is no evidence before the panel of any desperation from your part.

Dr Akinoshun referred the panel to the references from your current employer and the breadth of your experience. He submitted that your employment history is evidence of your integrity in different roles. Dr Akinoshun submitted that you did not rely on the first CBT at any time.

Dr Akinoshun submitted that the panel should not convert the statistical improbability into proof of individual dishonesty. He submitted that it should not attribute the conduct of the other candidates to your test results merely because you attended the same Test Centre.

Dr Akinoshun submitted that the NMC has not established, on the balance of probabilities, that you fraudulently obtained your CBT test results. He invited the panel to allow the appeal.

Panel's decision

The panel accepted the advice of the legal assessor.

The panel was mindful that, when reaching a decision, it has been four years since you completed your CBT Exam. It appreciated this and made some allowance for why there may be some gaps in your recollection of events.

In making its decision, the panel first considered whether it the NMC has proved on the balance of probabilities that there was widespread fraud occurring at the Yunnik Centre at the time of your first CBT test.

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' oral and 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 data 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 take any legal point as to the admissibility of the hearsay evidence which was admitted into evidence and given appropriate weight by the panel. The panel further noted that Dr Akinoshun in his closing submissions stated that there was no dispute that there was widespread fraud occurring at the Yunnik Centre.

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 21 November 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 Timing: 17.35 minutes: Odds less likely than 1 in 8068.9
Evaluated Numeracy Timing: 3.42 less likely than 1 in 58,123'*

The panel also considered that the data showed that you achieved the fastest time globally in your numeracy test. The panel also took into account that you answered 85 out of 100 clinical questions within 12 to 14 seconds per question.

You stated that your preparation and clinical experience enabled you to answer the questions quickly. You said that you had prepared for approximately one month and identified materials you used, including the 1060 CBT Question Workbook and the Pearson VUE website.

The panel considered the evidence of Wendy Fowler, who in her role at the NMC reviewed a selection of unofficial test papers, including materials which you identified as having used to prepare for the test. It considered Wendy Fowler's live evidence in which she commented on the poor quality of some of the papers and considered that they would not have assisted a candidate to answer the test questions with the speed you demonstrated.

The panel accepted that your clinical experience and preparation may have assisted in your exam, but it did not find it a plausible explanation for the fast completion time.

The panel considered your oral evidence and decided that your account at times lacked clarity.

The panel noted that you said you arrived at the Yunnik Test Centre at 9:55am and took the test at 10:03am even though your test was booked for 10:30am. The panel determined that your explanation for starting early and not querying this further with the receptionist was unclear. You told the panel that you finished your test at 10:25am and waited 10 minutes for the results. You told the panel that you did not see anyone else at the test centre despite there being only one available computer, however, in considering the data the panel had before it there was evidence that another candidate sat their test at 10:31am. The panel was not persuaded, on the balance of probabilities, that you would not have been aware that someone else was at the test centre.

The panel took into account Nazira Ashikin's witness statement, she stated:

'...The exhibit confirms that the Appellant completed the Registered Nurse Mental Health CBT under the Registration ID: 452697715, on 6 July 2023 at the Centerbase International Communications Ltd centre in Nigeria. They completed the numeracy test in 21 minutes, scoring 93, and the clinical test in 95 minutes, scoring 79.'

The panel further noted, when you had taken the second CBT test, it had taken you significantly longer to complete and that you had performed better at Yunnik where you completed the test considerably faster. The panel noted that only 10% of the questions are based on the specialised area of nursing and the remaining 90% of the questions would have been generic. It determined that this should not have had a huge impact on your performance if you used the same materials to practise.

The panel did not find your explanation that you let the time 'roll over' to be plausible or credible. It determined that this explanation lacked clarity.

The panel did not accept your explanation, of letting the time 'roll over' and your prior experience, satisfactorily explained the significant difference in the time it took you to

complete the clinical test at Yunnik. The panel was also not satisfied that, having completed the test significantly earlier than the allocated time, you did not use the remaining time to review and check your answers. The panel considered that, given the importance of the test to your professional registration and the outcome of achieving the required outcome, it would have been reasonable to expect you to use the remaining time to review your responses carefully.

The panel noted that there were 4 other candidates who took the test at the same time as you and all of them 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 4 candidates sitting the test in close proximity on the same day could complete it so rapidly without help.

The panel noted Dr Akinoshun's submission that there was no motive for you to engage in fraudulent activity as you held a very senior position as a nurse in Nigeria and did not have to move to the UK for financial reasons. The panel noted that it is not for it to determine or speculate why a candidate would engage in fraudulent activity. It reminded itself that its role is to determine whether, on the balance of probabilities, the examination results were obtained by fraud.

Therefore, on the balance of probabilities the panel determined that it is more likely than not that you fraudulently obtained your CBT test results on 21 November 2022.

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 24 years of clinical experience and acknowledged that it did not have any concerns relating to your clinical practice before it. It also noted your positive testimonials and considered that they attested to your good character

and professionalism. However, the panel determined that fraudulently obtaining your CBT test results is a deliberate dishonest act. It determined that such dishonesty breaches the Code, in particular, the requirement under Code 20.2 that nurses must act with honesty and integrity at all times. The panel concluded that, such dishonesty, is not consistent with being a registered nurse as you breached the Code and are not capable of safe and effective practice as a registered nurse. 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.