

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Monday 16 March 2026 – Wednesday 18 March 2026;
Wednesday 29 April 2026 – Thursday 30 April 2026**

Virtual Hearing

Name of Appellant: **Patricia Ogheneyenrovwo Iyekowa**

NMC PRN: 1022096441

Type of case: Registration appeal

Panel members: Amy Barron (Chair, Lay member)
Elizabeth Williamson (Registrant member)
Dee Rogers (Lay member)

Legal Assessor: Robin Hay (16-18 March 2026)
Andrew Granville-Stafford (29-30 April 2026)

Hearings Coordinator: Rebecka Selva (16-18 March 2026)
Emily Mae Christie (29-30 April 2026)

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

Ms Iyekowa: Present and represented by Joy Palmer

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 29 April 2024, 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).

Decision and reasons to admit hearsay evidence

The panel heard an application made by Ms Khan, on behalf of the NMC, under Rule 31 to allow the written statements of Witness 1, Witness 2, and Ms Sam Foster into evidence as hearsay. She submitted that their evidence be admitted on the grounds that it is relevant and reliable, and that its admission is fair and necessary.

Ms Khan submitted that their evidence is relevant to the allegations against you.

Your representative, Ms Palmer, submitted that Witness 1, Witness 2, and Ms Foster are not available to be cross-examined by you. Namely, question whether their statements are accurate, whether they are complete, or whether they have been misunderstood or mischaracterised.

Ms Palmer submitted that it is not fair if their statements are admitted, and you would be placed at a disadvantage.

Ms Palmer submitted that in a case involving an allegation as serious as dishonesty, that approach risks undermining the requirement that the regulator must prove its case with real, reliable and cogent 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 case *Thorneycroft v NMC* [2014] EWHC 1565 (Admin).

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

The panel considered whether you would be disadvantaged by allowing the witness statements and accompanying evidence. It noted that Witness 1, Witness 2 and logged admissions within Ms Foster's evidence related to the background and contextual circumstances of their own experiences at Yunnik. Neither Witness 1 nor Witness 2 took their tests on the same day as you, and their evidence was not about your specific case. The panel took into account that the statements and evidence of Witness 1, Witness 2 and Ms Foster corroborated the information already before it.

The panel considered that the witness statements of Witness 1, Witness 2 and Ms Foster 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, but it was your case that you did not use a proxy. The panel considered that there were no relevant factors for you to cross-examine these witnesses on.

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 the witnesses attend in person, at each and every hearing relating to Yunnik fraud cases, would be disproportionate, given the sheer volume of cases that would be heard. In addition, the panel noted that you 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, Witness 2 and Ms Foster's statements and evidence 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

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 in use from 2014 to 2021/2022 was a 180-minute test comprising 120 multiple-choice questions 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 administering exams to multiple candidates who were completing the clinical part of the CBT in 10 minutes (2.5 hours are 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 covering all NMC exams delivered at the Yunnik centre for January 2022.

Pearson VUE conducted a thorough and detailed investigation into the Yunnik centre and identified testing anomalies. They found that the dataset for the period from 15 March 2019 to 31 March 2023 showed 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 Mr Steele, 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 both other Nigerian test centres and global averages.

On 3 August 2023, the NMC's Registrar decided to use the 1 in 2,500 percentile as a benchmark to identify tests taken at such a speed that it is likely the results were

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 minutes or under and/or Clinical test in 21.5 minutes 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 retake it.

You applied to join the NMC register and submitted a CBT certificate showing you sat your CBT at the Yunnik centre on 13 July 2022.

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: 7 Minutes (Time allocated for test: 30 minutes).
- Clinical: 16 Minutes (Time allocated for test: 150 minutes).

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

- Numeracy: 5.77 Minutes (Time allocated for test: 30 minutes).
- Clinical: 14.28 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 Mr Steele, Head of Data Analytics at OAC;
- Witness statements of Mr Friess, Director of Information Security and Security Services at Pearson VUE;
- Witness statements of Ms Foster, Executive Director of Professional Practice at the NMC;

The Assistant Registrar was satisfied that the NMC had undertaken reasonable enquiries 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, compared with the times taken by candidates globally.

On 29 April 2024, you were informed that the Assistant Registrar had refused your application to the register. You appealed the decision on 27 May 2024, within the 28-day time limit.

Evidence

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

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

- Mr Richard Steele: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.
- Ms Julie Bliss: A registered nurse, employed by the NMC as a Senior Nursing Education Adviser, and part of the Executive Team in the Professional Practice Directorate.
- Ms Roxanne Burns: Assistant Director of CBT Delivery at the NMC and adopts the witness statements of Ms Linda Everet and Ms Foster.

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.
- Ms Linda Everet: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.

- Ms Sam Foster: Formerly employed by the NMC as the Executive Director of Professional Practice.

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

- Your statement of appeal, dated 25 March 2024;
- Your nursing qualifications;
- Your witness statement, dated 17 March 2026; and
- A number of positive character references from colleagues in Nigeria and the UK.

In addition, you provided the panel with oral evidence on oath.

During your oral evidence, you told the panel that you applied to join the NMC register to continue your nursing career and see how your competencies and capabilities could be improved. You could not remember the exact date you applied to join the NMC register, but thought it may have been around the start of 2022. You read all of the information about joining the register from the NMC website.

When you applied to join the register, you explained that you used an agent to assist you. You told the panel that an agent will specialise in currency exchange to help you pay the fee in the correct currency and also assist you in gathering and submitting the documentation required for the registration procedure. In your situation, the agent helped you submit your birth certificate, marriage certificate, and your qualifications. You explained that the agent was involved long before you took the CBT and had no involvement in your taking the CBT.

You understand that the CBT computer-based test is one of the assessments of knowledge and professional competencies to join the NMC register. You remember the clinical part of the CBT pass rate being around 60-70%. You told the panel that you had previously completed the United States of America (USA)'s entry exam twice but failed it on both occasions. These were also administered by Pearson VUE, and you did them within the last five years. These were not the same as the CBT. When you sat those

exams, these were completed in the Philippines and South Africa. You explained that the only difference between the Yunnik centres procedure and the other Pearson VUE centres was that you immediately got your result on a piece of paper from Yunnik, but had to wait a number of hours at the other centres for the other exam.

You told the panel that you chose to complete your CBT at the Yunnik centre because you have relatives in Ibadan, and it was the closest to them. Although this was five to six hours from your home, you chose to travel to Ibadan because you had security concerns about travelling to other centres. You explained that some of the roads are very unsafe and have frequent kidnappings and killings, which you did not want to risk. Therefore, you chose to travel to your relatives in Ibadan as it was convenient and a safer option.

In preparing for the CBT, you said that you completed practise questions on both the NMC website and the Pearson VUE website. You stated that you spent around a month revising for the CBT and would do some revision each day. You did not time yourself answering questions; you focused on understanding the material.

You told the panel that you booked the exam yourself and had no issues paying for it. You were unable to remember the time your CBT was scheduled for, but you knew it was scheduled for that morning. You travelled to Ibadan two days before your exam. On the day you travelled to Ibadan, you left early in the morning, before 08:00, and arrived around 14:00. You travelled on public transport using the bus. When you arrived at the bus station, you took a bike to your relatives' home.

On the day of your CBT, you walked to the test centre, which took you around seven to ten minutes. You explained that the test centre was a large building, and that the Pearson VUE centre was on the top floor. You explained that you arrived at the centre before 10:00. You were then checked in at reception and then went through the identification procedure, which took around 30 minutes. You were given instructions to put your bag in a locker and then escorted into the computer room for your exam. It was put to you that you started your exam at 11:20; however, you were unable to account for why it took you one hour and 20 minutes to start your exam, as that was not how you remembered it. You explained that you saw two other people taking their tests before you. You had no interaction with the other candidates.

You explained that the computer room where you took your test was partitioned, which you explained was the same as all other Pearson VUE centres you had been to. You were escorted to a computer, where your name appeared on the screen. You were escorted to the computer and then left alone to do your exam. You explained that you did not see any other candidates come in after you, as you were focused on your exam. You did not know what happened to the two other candidates you saw in their exams before you.

You told the panel that your approach for the CBT was to achieve a pass. You were not rushing; you saw it like a clinical assessment using clinical judgement. You explained that you completed the exam so quickly because the questions were very '*simplistic*' and that you have worked in clinical practice for 23 to 25 years, so the questions were very straightforward. You found the exam easy, which is why you completed it quickly. You clarified that there was no specific expectation regarding your speed. You read and prepared thoroughly, finished on time, and left the exam room because you did not want to wait and waste your time. You did not review your answers because you had prepared well, and the questions were straightforward, similar to your experience as a nurse in clinical settings. You answered the questions promptly and effectively, just as you would at work. You mentioned there was no rush to answer, as the questions were clinical and professional, and your training as a nurse enables you to be decisive, so you didn't need extra time. You also stated that you skipped any questions you didn't know and moved on after answering the easy ones.

You stated that you are a registered nurse, a registered midwife, and a registered psychiatric nurse with years of experience. You had prepared for this exam and would not have allowed anyone to complete it for you. You denied using a proxy and denied anyone calling out the answers to you. You told the panel that you completed the exam on your own.

You completed your resit in the UK, and the NMC investigation was ongoing. You were aware that they would scrutinise the time you took in completing the CBT, so you took your time. The NMC had made you aware that they would not judge you on the time you took to complete the resit, which is also why you took your time. You were asked why it took you five and a half times longer to complete the clinical part of the CBT. You

explained that the environment surrounding the exam was different because you knew the NMC were investigating you, which made you feel immense pressure, and that you had to take your time completing the resit. You accepted that the exam structure remained the same, but the environment around it did not. You got better scores on your resit, but explained that both exams are reflective of your abilities. You strongly denied using a Proxy when you took the CBT in Yunnik.

You told the panel that they should believe your account because you have never acted dishonestly in your life and take your professional integrity very seriously. You attended the test centre yourself and did not employ a proxy to complete the exam on your behalf. You explained that you have never been questioned or had issues raised with your practise.

Since all of this, you explained you are now living in the UK with your immediate family, and working as a Band 3 Healthcare Assistant in an acute mental health unit.

Submissions

Ms Khan submitted that your application to the register was not refused due to mere suspicion but was through a layered investigation into serious irregularities at the single Pearson VUE Test Centre, namely the Yunnik centre, in Ibadan. She submitted that there is forensic data analysis, statistical benchmarking, admissions, first-hand witness accounts, and background contextual information.

Ms Khan referred to Witness 1 and Witness 2's statements, which corroborated the routine nature of proxy operations at Yunnik. She submitted that this is consistent with Mr Steele's independent statement and Ms Foster's statement.

Ms Khan referred the panel to Ms Foster's supplementary statement, which identified 37 other logged admissions explicitly admitting to using proxy test takers.

Ms Khan referred to the histograms within Mr Friess's evidence and outlined that the statistical anomalies of the test times of Yunnik as opposed to globally, reinforce

suspicions of non-standard behaviour. She submitted that this is evidence of the use of proxies.

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

Ms Khan referred the panel to Mr Steele's analysis of your test times and submitted that your times were exceptionally fast. Ms Khan highlighted that your time for the CBT was one of the fastest achieved by any of the other candidates who sat the test globally (excluding Yunnik). She submitted that it was highly improbable that you completed the CBT without the assistance of a proficient proxy test-taker.

Ms Khan submitted that it had been demonstrated beyond doubt that the concern around fast test times was not related to any issues with the Pearson VUE software. She submitted that Mr Friess confirmed that there were no identified power outages at Yunnik during any individual test sittings, which may have accounted for the timing concerns.

Ms Khan submitted that the NMC's evidence, including fast test times, high scores and admissions from other test takers, supported the conclusion that widespread fraud occurred at Yunnik.

Ms Khan referred to your CBT timings on 13 July 2022. She clarified that despite your numeracy timing falling outside the threshold, it is still relevant for the panel's decision, as it is only 16 seconds out of the threshold.

Ms Khan drew the panel's attention to the '*same day*' evidence, which showed that there were five other candidates who sat their tests in a similarly fast time to you. She submitted that six candidates sat their tests within a three-hour period, when each test should have been scheduled three hours apart. Further, there was no overlap between candidates but very swift cross over of three to four minutes between the end of one test and the start of

the next. She submitted that the scheduling or availability of these individuals is questionable on that day, and it makes no sense why they would all have been there that morning when there are only two computer workstations at Yunnik for tests. Further, she submitted that this type of '*clustering*' of exceptionally fast times is not seen anywhere else in the world, including other centres in Nigeria.

Ms Khan referred to Mr Steele's breakdown of the time you took to individually answer each question on 13 July 2022.

Ms Khan referred to your evaluated resit CBT times, which you sat on 5 December 2023 in the UK, and took longer to complete:

- Numeracy: 21.77 Minutes (Time allocated for test: 30 minutes).
- Clinical: 86.10 Minutes (Time allocated for test: 150 minutes).

Ms Khan submitted that nothing outweighed the compelling evidence that you obtained your CBT result through fraud. As such, she invited the panel to find that the Assistant Registrar's decision was reasonable, proportionate and grounded on evidence and dismiss the appeal.

Ms Khan submitted that the NMC's duty is to protect the public, and they must ensure that only those who meet the character, competence and integrity standards are allowed to join the register.

Ms Palmer submitted that the issue for the panel was whether the NMC had proved on the balance of probabilities that you had acted dishonestly, which is an extremely serious allegation. She submitted that the suspicion and behaviours of others are not the same as individual proof of fraud. The panel had to be satisfied, she submitted, that there was clear and cogent evidence supporting this allegation before it could find it proved.

Ms Palmer submitted that the witnesses called by the NMC had not proved that you acted fraudulently or that you had used a proxy to assist you in taking the exam. None of them were able to exclude the possibility that you had sat the exam yourself. She pointed out

that Mr Friess had accepted that some candidates who sat the CBT at Yunnik were honest. The NMC's witnesses were not aware of your background, skills, and knowledge. She submitted that the times you achieved in the exam were not surprising given your lengthy experience as a nurse.

Ms Palmer also pointed out that there was no direct evidence from the centre that you used a proxy on the day in question to assist you in taking the exam. Therefore, Ms Palmer invited the panel to uphold your appeal and allow you to join the register.

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 your CBT. The panel found the evidence before it to be cogent and credible.

The panel had sight of the Pearson VUE data from Mr Friess and the independent expert analysis provided by Mr Steele.

It had sight of Mr Steele's independent 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 also took note of the 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. In reference to Mr Steele's '*Analysis over time*', the panel considered that this evidence supported the view that a proxy's increased familiarity with taking the tests and the absence of being discovered were more likely than not to increase their speed and use at the test centre.

The panel had sight of statements and analysis provided by Mr Friess. The panel considered that Mr Friess's findings were corroborated by Mr Steele's independent

research, which outlined the stark difference in test times at Yunnik compared with globally. The panel also considered that Mr Friess confirmed that there were no cyber-attacks or software malfunctions at the Yunnik test centre. The panel took particular note of the Pearson VUE evidence prepared by Mr Friess, which identified patterns 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 suggestive of the use of human proxies.

The panel also noted the evidence of Mr Friess detailing the apparent pattern of proxy behaviour reported on days when the NMC have received admissions of fraudulent behaviour. The panel considered that the evidence from the witness statements of both Witness 1 and Witness 2, although hearsay, provides contextual evidence that proxy activity was likely 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 they do provide further contextual evidence to support the proposition of fraudulent activity at Yunnik. However, based on admissions by other candidates who report using a proxy to complete their CBT, the panel considered that it did demonstrate, on a balance of probability, that fraudulent activity did take place. The panel also referred to Ms Foster's statement that there were 37 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 considerable weight because it was consistent, corroborated, and aligned with the wider objective and contextual data.

The panel also considered whether there was any potential for cultural or racial bias in any of the analyses before it, but considered that the steps taken to present the data against both the global data and the data for the rest of Nigeria would minimise this.

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 Mr Steele, confirming statistically significant discrepancies between CBTs taken at Yunnik and those taken in the rest of Nigeria and globally.

Therefore, on the balance of probabilities, the panel found that it was more likely than not that widespread fraudulent activity was 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 first considered the reason you chose to take the CBT at the Yunnik centre. It noted that although there were Pearson VUE test centres closer to your home town, you explained that travelling to those centres would be a risk to your security as the roads are not safe and there are frequent kidnappings and killings. It took into account your explanation for choosing Yunnik, namely that you had relatives in Ibadan whom you stayed with and that the Yunnik centre was only a seven- to ten-minute walk away. The panel found this explanation to be plausible and credible.

The panel then considered your fast test times. It had sight of the analysis provided by Mr Steele and Mr Friess'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 Mr Steele's analysis of your specific data, which provided the following evaluated odds of how achievable your test times were:

'Evaluated Clinical Timing: 14.28 minutes: Odds 1 in 28239.0.

'Evaluated Numeracy Timing: 5.77 minutes: Odds 1 in 1816.34'

The panel noted that you explained in oral evidence that you had prepared for the CBT for around a month prior to taking the exam, and your preparation included using practice questions from the NMC, as well as on the Pearson VUE website. However, the panel also took into account that when you were asked about completing timed practise tests, you had said that you were doing them but did not concentrate on the timing. It also noted that you were unable to provide much detail about your study plans, including researching

UK specific information; however, it considered this less relevant given the amount of time that has passed.

The panel also considered your description of the Yunnik centre. It noted that your explanation of what the centre looked like differed from the evidence of Mr Friess and the hearsay evidence of other test takers. However, the panel also noted that Pearson VUE had not completed any site visits before Yunnik became a test centre, whilst it was a test centre, or after the fraudulent activity had been discovered.

The panel then took into account Mr Steele's question timing breakdown, which shows that you answered 78 questions in less than 10 seconds, and that 19 were incorrectly answered. It considered your explanation of how you were able to persistently deliver correct answers within such a short space of time. You told the panel that you found the questions very simplistic and that you were able to answer them so quickly because of your over 23 years of experience as a registered nurse, midwife, and psychiatric nurse in Nigeria. You told the panel that if you were unsure of an answer, you would move on and that you did not review your answers or revisit any questions you were unsure about after you had completed the test. You also said that you did not need to use the full three hours. The panel also noted that in your statement, you described *'reading the questions carefully, applying [your] knowledge and experience, and selecting the answer [you] believe to be correct.'* Having considered all of this, the panel found your explanation for completing the CBT so quickly to be implausible, as even though you are an experienced nurse, the ability to answer 78 questions and persistently within 10 seconds, cannot be solely put down to your experience as a nurse and does not reflect the approach you described in your statement. Furthermore, the panel found it implausible that you would not return to check your answers and review any you were unsure of, given how important the CBT was for you to gain registration.

In light of this, the panel went on to consider that outliers exist in all parts of the world. It noted that there has been no analysis by the NMC or Pearson VUE on this to determine whether there is a pattern among fast test takers and what that pattern may look like, for example, whether legitimate outliers are more likely to have had a long career in nursing before they take the test. However, the panel also took into account the same day data. The panel noted that five other candidates took the test at Yunnik on the same day as you,

during the same time period, and in close proximity to when you started your test. The panel also noted that all five candidates were flagged for completing their CBT quickly, with times and scores very similar to yours, and starting their tests within three to four minutes of the previous test taker. In these circumstances, the panel was of the view that the probability of six exceptionally fast test takers being present in the same centre and on the same day within a two-and-a-half-hour period is highly improbable. Furthermore, it was of the view that six exceptionally fast candidates with similar times and scores provide 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.

Furthermore, the panel took into account your resit, which you completed in the UK on 5 December 2023. The panel noted that you completed the numeracy test within 24 minutes and the clinical test in 90 minutes. It noted that your clinical test time was five and a half times slower than your test times in Yunnik. The panel took into account your explanation for this, which was that you knew the NMC were investigating your Yunnik test, and were aware that they would be scrutinising your time. You had said you felt under a lot of pressure when you completed this CBT. However, the panel also noted that you got a better score on your resit: 100 on your numeracy test and 80 on your clinical. The panel appreciated that test scores can fluctuate depending on the set of questions you are given; however, even with the evidence you provided that you felt under pressure during your resit, taking over five times longer to complete the exam suggests that there was nothing to indicate that you are someone who could complete exams in exceptional times and achieve the results that you did.

The panel also took into account that you had completed the USA's nursing exam on two occasions and failed. The panel acknowledged that the USA's exam is very different from the UK's CBT and much more difficult. However, in light of this information, the panel was of the view that, having failed the USA's exam on two occasions, it is likely that you were concerned about failing the CBT to obtain registration in the UK.

The panel approached your evidence with care, recognising the potential impact of stress and cultural factors; however, your explanation did not provide a sufficiently plausible account of the extremely rapid exam times recorded. Furthermore, it found that your

account did not align with the structure and expected duration of the CBT, the contextual evidence for that test day, or the wider pattern observed at Yunnik.

In view of its 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, 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 it was more likely than not that you achieved your pass in the time that you did by using a proxy or by having 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 a number of positive testimonials from your employment in Nigeria and the UK, as well as your previous good character and unblemished career of over 23 years. However, 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 remain 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, and 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.