

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday, 31 March - Thursday, 2 April 2026
Monday, 20 July 2026 – Tuesday, 21 July 2026**

Virtual Hearing

Name of Appellant:	Tochi Munonye
NMC PIN:	1022009746
Type of case:	Registrations appeal
Panel members:	Gary Tanner (Chair, lay member) Naomi Smith (Registrant member) Matthew Burton (Lay member)
Legal Assessor:	Nigel Ingram (31 March - 2 April 2026) Nigel Pascoe (20 – 21 July 2026)
Hearings Coordinator:	Rim Zambour (31 March - 2 April 2026) Ekaette Uwa (20 – 21 July 2026)
Nursing and Midwifery Council:	Represented by Pamela Muniya, Case Presenter
Ms Munonye:	Present and represented by Mr Olalekan Odedeyi from Save the Woman
Decision:	Appeal Dismissed

Decision and reasons

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

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the Assistant Registrar, dated 5 June 2025, that you did not meet the character requirements for registration to the NMC register.

Decision and reasons on application to admit hearsay evidence

The panel heard an application made by Ms Muniya, on behalf of the Nursing and Midwifery Council (NMC), under Rule 31 to admit hearsay evidence which relates to the witness statements of Witness 1 and Witness 2. She stated that this application also relates to various admissions obtained by intelligence gathered by the NMC during the course of its investigation into Computer Based Test (CBT) fraudulent activity at the Yunnik test centre. Ms Muniya told the panel that these comments are contained in Sam Foster's statement. She also stated that admission case summaries are contained in Linda Everet's statement in the secondary bundle.

Ms Muniya submitted that the NMC intends to rely on the written submissions from Rory Dunlop KC which set out the NMC's full position in relation to the hearsay application.

Ms Muniya submitted that Mr Odedeyi and yourself have had ample notice of the hearsay application being made today. She referred to the notice of hearing dated 24 February 2026 and the written submissions which were also served on you. Ms Muniya also turned the panel's attention to the Standard Directions Form (SDF) which was completed on your behalf as a result of the parties receiving the notice, and also states that Witness 1 and Witness 2's evidence would be applied for as hearsay evidence.

Ms Muniya submitted that the statement and summaries are not the sole or decisive evidence that support the NMC case about fraudulent activity at Yunnik. She briefly took the panel through the main evidence relied upon which comes from Richard Steele (independent expert statistician) and Bryan Friess (employed by Pearson VUE). Ms

Muniya submitted that Pearson VUE's conclusion supports the case that fraud by proxy testing was likely taking place at Yunnik due to various factors, one of which being the speed of the tests. She stated that the NMC also intends to rely on Richard Steele's calculations and analysis of the test times which support the case that your test was faster when compared to the global benchmark and that your specific test therefore fell within the category of being taken by a proxy test taker.

Ms Muniya submitted that the admissions referred to in Linda Everet's statement are separate to this as they do not relate directly to your case so are not sole or decisive evidence. She stated that the NMC is not seeking to suggest that any of the test takers who have made admissions sat their test on the same day that you did as there are no admissions from 11 April 2022. Therefore, they cannot speak to your case specifically and their evidence forms the background. Ms Muniya submitted that under these circumstances, the panel may find that the details they provide are unlikely to be the subject of any real challenge for you to put your case.

Ms Muniya submitted that it is fair for the admissions to be admissible as hearsay evidence because there is no absolute right to the cross-examination of these witnesses and their comments on the background facts. Further, that there is no plausible reason why any of these individuals would lie in their statements, because by admitting to fraud, they have put themselves at risk by not being permitted to practise as nurses in the UK.

Ms Muniya told the panel that these statements apply as generic evidence in a large number of CBT fraud cases. There are over 700 individuals with CBT tests taken at Yunnik during the period that the NMC is concerned about. Ms Muniya submitted it would not be practical or proportionate to call these individuals to give evidence and face questioning about their own conduct when they are not the subject of the hearings within these cases. She stated that it would be distressing and may discourage other people from making admissions in the future, which would not be in the public interest while these types of investigations are ongoing.

Mr Odedeyi, on your behalf, stated that he has requested Witnesses 1 and 2 to attend in order to be cross-examined and that he has made an application to the NMC with no response to date. He stated that in her cross-examination, Witness 5 said that if an

application is made to the panel for the witnesses to attend, especially as they have indicated they would be willing to in their statements, then that is for the panel to decide.

Mr Odedeyi submitted that the NMC has not informed the panel of what effort, if any, that they have made so far to secure the witnesses' attendance.

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.

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

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

The panel considered that the witness statements of Witness 1 and Witness 2 were not the sole and decisive evidence in your case. The panel considered that Mr Odedeyi has not established what relevant factors there are for him 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 both witnesses attend in person, at each and every hearing relating to Yunnik fraud cases, would be unfair and disproportionate, given the sheer volume of cases that would be heard. In

addition, the panel noted that you had been given prior notice that these witnesses' statements were to be read into evidence.

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

Following the oral handing down of this decision, it was clarified between Ms Muniya and Mr Odedeyi that the statements of Sam Foster and Linda Everet were agreed upon and there was no need for a hearsay decision in regard to these.

Application for panel to adduce additional documents as evidence

Mr Odedeyi made an application for the panel to take into consideration a further five documents. These included the following:

- Document 1: extract of IC panel hearing dated 4 February 2025
- Document 2: the outcome of the IC panel hearing dated 4 February 2025
- Document 3: the NMC registration process
- Document 4: speed parameters
- Document 5: letter from the NMC to Save the Woman in relation to another case.

In making the application, Mr Odedeyi submitted that it would be in the interests of fairness and relevance for the panel to have sight of and consider these documents. He clarified that the panel is not bound by the previous IC panel decision, dated 4 February 2025, but submitted that the case in question deals with the same point of law and the nature of the cases is identical.

Mr Odedeyi submitted that it is necessary for Documents 1 and 2 to be considered read by the panel as it would benefit from having sight of the procedure followed by that panel. He stated that he is not asking the panel to adopt the same outcome but submitted that it is of relevance for the panel to read it.

In relation to Document 3, Mr Odedeyi submitted that this is helpful for you to confirm the process you are expected to follow and whether you have met the requirements to be included on the register. Mr Odedeyi submitted that the NMC cannot dispute the fact that the documents are credible and of importance.

Ms Muniya submitted that she does not take issue with the panel having sight of the documents, but she does take issue with whether they should form part of the evidence for the panel to consider as they are plainly not relevant.

Ms Muniya reminded the panel that the question it is invited to consider is whether fraud is proved on the NMC's evidence. She submitted that Documents 1 and 2 are from a separate case not associated with you and not related to the question. She further submitted that the panel has not heard what the similarities are or what they say in relation to persuasive relevance, but regardless that the findings from a prior case should not have any influence on this panel's decision making.

In relation to the NMC document on registration, Ms Muniya submitted that it refers to matters that are not in dispute and is fully covered in the statement of Sam Foster which details the requirements for registration. Further, that the panel will be familiar with the registration process in any event.

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

The panel determined that it would not read the five documents as it did not find them to be relevant, nor did it find that there was any basis for them to be read prior to the proceedings. The panel concluded that their relevance in relation to this appeal is unclear, but if this changes then it will revisit the decision should relevance be shown clearly to the panel. The panel reminded itself that it shall not be bound by any decisions reached by any other panel previously.

Application for panel to adduce additional documents as evidence

During his opening submissions, Mr Odedeyi made a further application for the panel to read Documents 1 to 5. He submitted that it is in the public interest for the panel to

consider the documents as part of CBT cases as they have a significant impact on the issues to be determined. He stated that it is not for the case presenter to dictate what is relevant, and in this case it is on the basis of fairness and relevance that the information is of persuasive relevance to the panel.

Mr Odedeyi requested that the application to admit these documents into evidence be reconsidered in order to ensure the panel can deal with the matter proportionately, fairly and expeditiously. He submitted that you are at a disadvantage due to your unfamiliarity with the proceedings and that the authority documents are directly relevant to your case as they contain material with similar circumstances which demonstrates how comparable issues were approached.

Ms Muniya submitted that the application being made has already been dealt with by the panel on day one of the hearing and there was a clear decision in relation to those documents. She noted that the panel said this decision could be revisited should it become relevant later on. Ms Muniya submitted that it does not appear on the evidence that anything has changed since day one and therefore invited the panel to reconfirm its earlier decision in relation to the documents.

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

The panel noted that the door had been left open for this decision to be reconsidered. However, it was of the view that it had not been persuaded that the documents are relevant to your case and therefore did not allow the application for the documents to be admitted.

Background

Pearson VUE have a contract with the NMC as their CBT provider which has been in place since 2014. The CBT is one part of the NMC's Test of Competence (ToC) and is used by the NMC to assess the skills and knowledge of people wanting to join the NMC's register from overseas as a nurse, midwife or nursing associate or re-join the register after a long period away from practice. The second part of the ToC is an objective structured clinical examination (OSCE) – a practical examination.

The current CBT (CBT 2021), created on 2 August 2021, is split into two parts (Part A and Part B). Part A contains a numeracy test consisting of 15 short answer questions and lasts for up to 30 minutes. Part B is a clinical test consisting of 100 multiple-choice questions and lasts for up to 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 test taking 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 Richard 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 other centres in Nigeria and globally. Using this data Richard Steele 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. Richard Steele's analysis of the data supports Pearson VUE's conclusion that there may have been widespread fraudulent activity at Yunnik, probably through a proxy test taker acting on behalf of test candidates.

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

RNA – 11 April 2022

- Numeracy: 6.42 minutes (Time allocated for test: 30 minutes) – 100%

- Clinical: 16.48 minutes (Time allocated for test: 150 minutes) – 84%

Comparing your time to complete your tests with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your tests within the times it took you to complete them.

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

You sat a further CBT at Enugu.

RMH 6 June 2023

- Numeracy: 21.9 minutes (Time allocated for test: 30 minutes) - 93%
- Clinical: 64.17 minutes (Time allocated for test: 150 minutes) – 71%

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

From the NMC:

- Your completed application
- Assistant Registrar's letter to you dated 15 April 2024
- The evidence bundle consisting of:
 - Expert reports by Richard Steele, Head of Data Analytics at OAC
 - Witness statements of Bryan Friess, Director of Information Security and Security Services at Pearson VU
 - Witness statements of Sam Foster, Executive Director of Professional Practice at the NMC
 - Witness statements of Registrant A (Witness 1) and Registrant B (Witness 2)

From you:

- Your email dated 23 March 2024
- OET 'badge'

The Assistant Registrar refused your application on the basis that you did not meet the character requirements for registration.

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

From the NMC:

- Your completed application
- Assistant Registrar's letter to you dated 15 April 2024
- The evidence bundle consisting of:
 - Expert reports by Richard Steele, Head of Data Analytics at OAC
 - Witness statements of Bryan Friess, Director of Information Security and Security Services at Pearson VU
 - Witness statements of Sam Foster, Executive Director of Professional Practice at the NMC
 - Witness statements of Registrant A (Witness 1) and Registrant B (Witness 2)

From you:

- Your email dated 28 May 2025 which attached your response to the concerns about your Yunnik test
- Character reference from Heather Dawson (International Recruitment Coordinator) dated 23 April 2025
- Character reference from Witness 9 (Line Manager) dated 24 April 2025
- Character reference from Witness 10 (Clinical Advisor) dated 29 April 2025.

The Assistant Registrar's decision was that they had not been presented with anything that changes the conclusion that it was more likely than not that you obtained your CBT test result fraudulently. Your application was therefore refused. You appealed the Assistant Registrar's decision on 5 June 2025.

Evidence

The panel also took account of 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.
- Sam Foster: Employed by the NMC as the Executive Director of Professional Practice.
- Linda Everet: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.
- Julie Bliss: Senior Nursing Education Adviser and member of the Executive Team in the Professional Practice Directorate at the NMC.

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

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

- Richard Steele: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.
- Roxanne Burns: Assistant Director of CBT Delivery at the NMC and adopts the witness statements of Sam Foster and Linda Everet.

Submissions

Ms Muniya outlined the background to the case. She referred the panel to the evidence contained in bundles from all the witnesses. She also referred the panel to the hearsay evidence of Witness 1 and 2 who provide background context about proxy assistance that they received at Yunnik during their own CBT tests.

Ms Muniya also referred to the evidence of Julie Bliss adopted by Wendy Fowler who are senior nursing education advisors and provide evidence in relation to analysis of unofficial practice materials that they undertook, and how those materials meet the education and standards expected in NMC testing processes. Ms Muniya stated that this evidence is also agreed between the parties.

Ms Muniya told the panel that the evidence of Wendy Fowler and Julie Bliss can be read into evidence and they are not required to attend for cross-examination.

Ms Muniya stated that the panel will be asked to conclude that you likely obtained a pass in your CBT test Yunnik fraudulently and therefore the panel cannot be satisfied that you are capable of safe and effective practice. She stated that the burden of proof is on the NMC to establish a positive case of fraud on the balance of probabilities.

Ms Muniya gave the panel three headlines to bear in mind. The first is that the issues it will hear about were only confined to one test centre so the NMC can be sure that the Pearson VUE software was not the cause of the very quick test times. She stated that the NMC are sure the data is accurate and that is as a result of assurance provided by Pearson VUE.

Secondly, Ms Muniya stated that in relation to unofficial practice materials, it is clear that many people who sat the CBT relied on the use of various types of unofficial practice materials in order to prepare for the test. She stated that these materials are available globally and anyone in the world would have been able to use those materials when sitting the CBT.

Ms Muniya told the panel that the third headline she wished for it to keep in mind is the admissions. She stated that the NMC started to receive information from individuals about their experience at Yunnik from November 2023. Based on this intelligence, Ms Muniya stated that the NMC was of the view that:

- More than one proxy was operating at the test centre and they were operating in multiple ways,
- The test centre owner was facilitating and involved in the fraud as well,
- Money was demanded in many cases, but not all cases,
- Some people expected the proxy's assistance and some were surprised by the offer,
- Some were intimidated by the people at the test centre and felt pressured into accepting the proxy service.

Ms Muniya stated that the concern in this case relates to the clinical times. She referred to Richard Steele's evidence where he provides candidate specific individual question analysis and gives a breakdown of how quickly you were answering each question. Ms Muniya submitted that based on the NMC's understanding and acceptance of Richard Steele's reports, the NMC's case is that fraud was widespread at the Yunnik centre and so it would be fair to describe it as a fraud factory, where cheating was endemic and widely practised.

Ms Muniya told the panel that the NMC invited those already on the register and applicants to sit a new CBT test free of charge to balance the need to protect the public whilst taking a proportionate risk, and the Registrar drew a line by using a benchmark. The NMC wrote to everybody who had taken a CBT at Yunnik in September and October 2023 and those who had taken a test with odds of one in 2500 or higher were warned that the NMC considered it likely that they had used fraud. Ms Muniya stated that they were also told the NMC would not rely on the results of the new test.

Ms Muniya told the panel that in this case, you sat your new CBT in June 2023 and your reason for this was because you were changing your application type from Adult Nursing to Mental Health Nursing. Ms Muniya stated that you therefore sat your second CBT prior to the NMC invalidating the Yunnik exams, so the NMC agreed for your second test to stand as your resit. Ms Muniya referred to Roxanne Burns' evidence where she confirmed that as your resit test predated the September concession, the panel can consider and compare your second CBT as part of this case.

Ms Muniya submitted that the admissions also corroborate the evidence from Pearson VUE and they provide an important explanation for Richard Steele's statistical analysis. She submitted that they are relevant because their evidence illustrates how quickly the tests were being taken and how unlikely it was that these test times could be achieved without cheating.

Ms Muniya submitted that fraudulent practices are likely to have occurred on many other days, including 11 April 2022 when you sat your CBT at the Yunnik test centre. Ms Muniya told the panel that the earliest admission recorded by intelligence is 19 April 2022, which occurred within a short space of time to your test date on 11 April 2022. Ms Muniya submitted that this confirms the proxy was operating at the test centre around the same time.

Ms Muniya referred to Richard Steele's evidence in relation to your CBT on 11 April 2022 and noted that the percentile odds of obtaining a clinical time of 16:48 minutes in this case is 1:8068.29. Ms Muniya reminded the panel that the NMC selected a threshold of 1:2500, and your specific odds calculation is much higher than that.

Ms Muniya told the panel that you used a fraction of the time available to complete the clinical part of your test, which the NMC say is because it was being completed by a proficient proxy test taker.

Ms Muniya submitted that because so many people achieved a fast test time at Yunnik - 602 candidates completed the clinical component in 17 minutes or less compared to only 7 others completing the test in this time globally. The NMC say that it is highly improbable that you completed your test in such an exceptionally fast time and that the only credible explanation is that there was the use of a proficient proxy test taker.

Ms Muniya told the panel that she has not referred to your numeracy test data because your numeracy test fell outside of the 1: 2500 threshold. Richard Steele's numeracy time for you was 6.42 minutes. Ms Muniya stated that because the CBT is taken in two parts, it is scored separately and the timings are dealt with separately so it is possible that someone's test can fall within the 1: 2500 on just part of the test as opposed to both. Ms Muniya submitted that there may be reasons why the performance of a human proxy test taker may vary and just because it falls outside of the 1: 2500 percentile, that does not mean the test was taken genuinely.

Ms Muniya referred the panel to some examples of admissions where one part of the candidate's test fell within the 1: 2500 threshold and the other did not. These included the admissions dated 17 June 2022 and 22 June 2022.

In relation to the same day data, Ms Muniya stated that there were two other candidates who completed the CBT at the Yunnik centre on the same day as your test. She told the panel that these candidates' tests also fall within the 1: 2500 percentile odds, meaning that the NMC suspects their tests of being completed by proxy as well. Ms Muniya referred the panel to these candidates' numeracy test times being six minutes for one and seven minutes for the other.

Ms Muniya submitted that as well as the other candidates' times being similar, none of the suspected fraudulent tests start times overlap, which is of significance when considering Richard Steele's data.

Ms Muniya submitted that based on this same day data which supports the NMC's case of likely fraud by proxy test taking, it is incredibly unlikely that one person would honestly achieve such a quick test time. She submitted that it is rare globally, but it is even more unlikely that three of the world's fastest test takers all happened to sit their CBT test at the same test centre on the same day and in the same morning where there is evidence of widespread fraud occurring. She submitted that the much likelier explanation is that there was a human proxy present on 11 April 2022 assisting these three candidates.

Ms Muniya told the panel that, with your second CBT which was sat on 6 June 2023, the test scores are lower in comparison to those from your test at Yunnik. Ms Muniya referred to your resit test times which, on Richard Steele's data, were 21.9 minutes on the numeracy and 64.17 minutes on the clinical, which she submitted was much slower than the Yunnik recorded time. Ms Muniya stated that these are nearly four times longer than the Yunnik test times and there is no dispute that you sat this recent test under proper exam conditions.

Ms Muniya submitted that this recent data undermines your claim that you are capable of completing the CBT in such an exceptionally fast time, and instead suggests that you are an average candidate.

Ms Muniya referred to your response to the Assistant Registrar that you prepared for the exams and used practice materials obtained from the Google Play Store, as well as attending group settings. She submitted that these materials were globally available to all CBT candidates but it was only the tests taken at Yunnik which had an unusual test pattern. She submitted that the NMC accepts that doing practice tests may help a candidate prepare but it does not explain the incredibly quick times as seen at the Yunnik centre.

Ms Muniya submitted that everything presented to the panel demonstrates that your test was likely obtained through the use of a proficient proxy tester.

Mr Odadeyi commenced his submissions by calling you to give evidence.

You gave live evidence under oath.

You told the panel that you prepared effectively for your CBT for over six months using an application named '*NMC CBT App*' on the Google Play Store and also joined study groups where you used materials in the form of PDF documents which were sent in a WhatsApp group chat.

You said that at the time, you were also preparing for your Occupational English Test (OET), which requires you to gain the skill of speed and accuracy which helped you to effectively practice for the CBT.

You told the panel that you chose the date of the test at Yunnik yourself. You cannot remember what time you arrived but you knew it was in the morning, and you used a motorbike to get there which took around 15 to 20 minutes.

You stated that on the day of your test, you were asked to drop off your phone, turn it off and also drop your bag off in a specific area. Your picture and signature were then taken. You said that you remember when you arrived at the test centre, that there was no one there other than yourself. You were then led into a small room where there was a computer and you were asked to start. When you were finished, you were asked to wait and that your result would be out within 15 minutes.

You stated that there was a male worker there at the time of the test who told you that he was going to turn the generator on as there is erratic power supply in Nigeria. You said that he was in the room when you took your test and sat near the door.

You said that you are a registered general nurse in Nigeria and you have experience of adult nursing. You stated that you also have experience in mental health, but you did not study it as part of your course. You said that your current Trust contacted you for an interview and did not accept your Adult Nursing registration. They gave you six weeks to obtain the mental health registration and pass the CBT, which is the reason you decided to take the second CBT.

You told the panel that at the moment, you are not working as a registered nurse as you do not have a PIN, and you currently work as a healthcare assistant for Tees, Esk and Wear Valley NHS Foundation Trust. You stated that you have had no issues in your working relationships in the UK, you live with your family and you have young children.

You said that you know you finished your test quickly but that you are unaware of the exact time. You accepted that there is a significant time difference in the timing of your second test because it was for mental health nursing which you did not study as much for and did not have as much time to prepare for, compared to the adult nursing test.

You told the panel that when you received the refusal letter from the Assistant Registrar, you felt your character was being questioned knowing that you were not involved in any form of fraudulent acts and that you are able to deliver care to your patients in a safe and honest manner.

You stated that you are originally from Aba State in Nigeria and the Yunnik centre is in Ibadan. You said that you were in Ibadan at the time for private reasons, from two months prior to your test. You said you stayed there for another month after the test until your private matters had settled down, after which you went back to Aba State.

You stated that the closest test centre to Aba State is in Enugu which is where you did your second CBT. However, you said that you only did your first test in Ibadan because you were already there at the time.

You also told the panel that most of the questions in the test were very similar to what you had seen in the practice materials and some were exactly the same but paraphrased. You stated that you did not go back and check your answers because you were confident that the questions were the same and in a paraphrased form to the materials.

You told the panel that you disagree that there was a proxy test taker on 11 April 2022 as you did not see one.

The panel heard character testimony from Chelsea McCabe and Ezine Awah on your behalf.

Following the resumption of the hearing on 20 July 2026, parties presented closing submissions before the panel.

Ms Muniya restated the NMC's case against you. She emphasised that the integrity of the underlying Pearson VUE data was not in dispute. Ms Muniya submitted that Mr Friess had confirmed that the raw data had been securely captured, stored centrally, and extracted without corruption. She stated that his evidence regarding the accuracy and integrity of the data had not been challenged in cross-examination.

Ms Muniya further submitted that Mr Steele's statistical analysis demonstrated a significant and highly unusual concentration of exceptionally fast test times at the Yunnik test centre when compared with the global benchmark.

Ms Muniya submitted that when your performance was compared against worldwide data, only seven candidates globally had achieved a clinical test time equal to or faster than yours, whereas more than 600 candidates at the Yunnik centre had done so. She submitted that such an extraordinary concentration of exceptional performances could not plausibly be explained innocently.

Ms Muniya submitted that your references and evidence of current competence as a nurse will not assist the panel because none of the referees had witnessed the CBT examination and competence did not preclude dishonest conduct. She submitted that if the panel found that the CBT had been obtained through fraud, it necessarily followed that you knew that the use of a proxy constituted cheating and dishonesty. Accordingly, she invited the panel to find that the NMC had discharged the burden of proof on the balance of probabilities and to dismiss the appeal, thereby upholding the Assistant Registrar's decision.

Mr Odadeyi submitted that these issues assumed particular importance because findings of dishonesty carried profound consequences, including refusal of registration, loss of employment, referral to employers and immigration status for internationally educated nurses.

Mr Odadeyi submitted that the NMC's case rested principally on statistical analysis comparing examination completion times together with generic evidence concerning

Yunnik test centre, rather than direct evidence establishing that you had personally used a proxy tester taker. He emphasised that you had subsequently passed the CBT, possessed the necessary academic qualifications and professional experience, and had produced numerous testimonials from colleagues and employers both in Nigeria and the United Kingdom attesting to your honesty, professionalism and good character. He submitted that you had consistently denied cheating or using a proxy throughout the proceedings.

Mr Odadeyi submitted that that there was no direct evidence contradicting your account, no witnesses who had attended Yunnik centre on the relevant day had been called to say that you had used a proxy or acted dishonestly, nor was there any evidence identifying another individual as having taken the examination on your behalf. He submitted that you had attended the hearing, given evidence on oath and answered extensive questions both from the NMC and the panel. Your evidence remained consistent throughout and constituted the only direct evidence concerning what occurred on the day of the examination.

Mr Odadeyi submitted that the NMC had failed to discharge the burden of proving dishonesty. He therefore invited the panel to allow the appeal, quash the Assistant Registrar's decision, and direct that you be admitted to the NMC 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 the Yunnik Centre. The panel found the evidence before it to be cogent and credible.

The panel was satisfied that there was compelling generic evidence demonstrating that widespread fraud was taking place at the Yunnik test centre during the relevant period.

The panel had sight of the agreed facts between the parties. The panel placed significant weight on the Pearson VUE evidence from Mr Friess regarding the integrity and reliability

of the examination data. It accepted his evidence that there were no software failures, technical faults, power outages or any other disruptions affecting the integrity of the CBT data on the relevant dates that could account for statistical anomalies. This was corroborated by the independent data analysis of Richard Steele, including diagrams and charts which evidence the distribution of the times taken to complete the CBT both globally and at all other centres in Nigeria, compared to the times achieved at Yunnik. The panel noted that the time distributions at Yunnik were markedly different from both the global data and the data from other Nigerian centres, demonstrating an exceptional concentration of unusually fast completion times.

Further, the panel took into account the substantial number of admissions by candidates who accepted that they used proxy test takers at Yunnik. The panel considered that these admissions provide corroborative evidence that fraudulent activity was occurring at the centre on a widespread basis.

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.

Having considered all of the generic evidence collectively, the panel was satisfied on the balance of probabilities that there was widespread fraud occurring at the Yunnik test centre during the relevant period.

The panel next considered whether it is more likely than not that you used a proxy test taker on 11 April 2022 to obtain your CBT result from the Yunnik centre.

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: 16.48 minutes: Odds 1:8068.29

Evaluated Numeracy Timing: 6.42 minutes: Odds 1:764.78’

The panel had regard to the timings of your answers to the clinical test questions. It considered your explanation that your speed resulted from having studied practice questions obtained through Google play applications, PDF materials and WhatsApp groups. The panel did not find this explanation persuasive. It accepted the evidence of the NMC witnesses that official CBT questions are not published on Google Play store and that practice materials do not replicate the live examination questions. It also noted the submissions from Ms Muniya that such practice materials would be available globally, and yet the pattern of exceptionally fast test times occurred solely at Yunnik.

The panel attached further weight to your subsequent resit of the CBT on 6 June 2023. On that occasion you completed the clinical part of the examination in approximately 64, and the numerical component in 21 minutes and obtained what the NMC describes as entirely routine scores achieved within a routine completion time. The panel considered that this represented a striking contrast with the Yunnik examination taken in April 2022. Although recognising that different sittings cannot be treated as direct comparators, the panel considered this difference provided contextual support when assessing the plausibility of your account. The panel also took into account, the same day test data, which suggest that two other candidates completed their CBT in exceptionally fast times on 11 April 2022, noting that none of the start times overlap with your own start times.

The panel also considered the evidence relating to your choice of Yunnik as the examination centre. Although you stated that you happened to be in the state for personal reasons, you declined to explain those reasons and did not provide a satisfactory explanation as to why you selected Yunnik rather than one of the other available CBT centres. Whilst the panel accepted that you are entitled to your privacy, the absence of credible explanation reduced the weight it could attach to your account.

Having considered all of the evidence cumulatively, including the compelling generic evidence of widespread fraud at the Yunnik centre, your exceptionally fast completion times, and the statistical improbability of those results being achieved honestly, the panel

concluded that the only plausible explanation was that you more likely than not knowingly obtained your CBT result through the use of a proxy test taker.

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', particularly conduct involving fraud or deception, last updated on 5 September 2024. The panel was aware that it was for you to satisfy the panel that she met the character requirements for successful admission on the register.

In view of the panel's decision that there was widespread fraud occurring at the Yunnik test centre and that it was likely that it was taking place on the day that you sat for your CBT, the panel found that due to the very quick time in which you achieved your CBT result, it was highly unlikely that you would have achieved this without the assistance of a proxy. In coming to this decision, the panel noted that when compared against the global benchmark, the odds of you achieving a pass in your clinical test in the time that you did at Yunnik were 1:8068.29 for Evaluated Clinical Timing and 1 in 764.78 for Evaluated Numeracy Timing. When looking at the odds calculation for your results, from a test centre where there was widespread fraud, the panel considered that the only plausible explanation for you achieving your passes in the times that you did, was that you either used a proxy or had the assistance of a proxy.

The panel accepted that you had produced several positive character references describing you as honest, trustworthy, clinically competent and professional. It also accepted the live evidence given by two witnesses on your behalf, attesting to your trustworthiness, integrity, honesty and professionalism, and accepted that these referees genuinely held those views based upon their own experiences with you. However, your referees were unable to comment on the circumstances surrounding your CBT examination at Yunnik and therefore could not assist the panel on the central issue before it. The panel therefore determined that the references and evidence given on your behalf do not outweigh its finding that on the balance of probabilities you had fraudulently obtained your CBT results through the use of a proxy test taker.

The panel had regard to the NMC Guidance '*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 considered that attempting to gain admission to the register by relying upon a fraudulently obtained examination result was fundamentally inconsistent with the standards of honesty and integrity expected of registered nurses under the NMC Code. The panel concluded that you had failed to satisfy it that you had met the character requirements for admission to the register.

The panel therefore decided to dismiss your appeal, to uphold the decision of the Assistant Registrar, thereby refusing your application to the NMC register.

You have the right to appeal this decision. If you appeal the decision, you must submit your appeal to the county court within 21 days of this decision.

This will be confirmed to you in writing.

That concludes this determination.