

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday, 29 September 2026 – Thursday, 1 October 2026**

Virtual Hearing

Name of Appellant:	Esther Nwalie
Type of case:	Registrations appeal
Panel members:	Godfried Attafua (Chair, Registrant member) Elizabeth Williamson (Registrant member) Dee Rogers (Lay member)
Legal Assessor:	Attracta Wilson
Hearings Coordinator:	Emily Mae Christie
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury, Case Presenter
Ms Nwalie:	Present and unrepresented
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 17 November 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 Chowdhury, on behalf of the NMC, under Rule 31 to allow the written statements of Witness 1 and Witness 2, as well as the summaries of admissions by individuals who took their Computer-Based Test (CBT) at Yunnik Technologies Ltd test centre in Ibadan, Nigeria (Yunnik) and used a proxy, which is exhibited in the document titled SKC/09.

Ms Chowdhury submitted that the NMC does not propose to call the individuals who made those admissions to give oral evidence. She submitted that the panel should admit this evidence as hearsay because, first, it would be admissible in court, and second, it is fair and reasonable to admit it. She accepted that this evidence was not presented to the Assistant Registrar when they made their decision; however, she reminded the panel that it is hearing this appeal afresh.

Ms Chowdhury submitted that the evidence is not the sole or decisive evidence against you, and it is corroborative evidence that proxies were used at Yunnik. She submitted that it would not be practicable, proportionate or appropriate to call the witnesses to give oral evidence. Furthermore, she submitted that requiring these individuals to give evidence at a hearing and face cross-examination about their admitted cheating would likely be distressing to them and might discourage others from making admissions in the future. Ms Chowdhury submitted that it would not be in the public interest to discourage Yunnik test takers from providing information about their experiences.

Ms Chowdhury submitted that you were informed in advance that these documents were going to be taken into account at this hearing. She submitted that neither of the anonymised statements contain individuals who took their test on the same date as you, therefore, are background evidence to this appeal.

You did not object to the statements being admitted into evidence as hearsay.

The panel heard and accepted the legal assessor's advice, which 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. It also included reference to the factors the panel should take into consideration as set out in the case of *Thorneycroft v NMC* [2014] EWHC 1565 (Admin).

The panel considered the application to admit the written statements of Witness 1 and Witness 2, and the summary of admissions at Exhibit SKC/09 into evidence as hearsay.

The panel considered whether the statements of Witness 1 and Witness 2 and the summary of admissions at Exhibit SKC/09 were relevant to the case. It noted that Witness 1 and Witness 2's evidence, and the summary of admissions at SKC/09, were related to the background and contextual circumstances of their own experiences at Yunnik. None of the 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 the statements of Witness 1 and Witness 2 and the summary of admissions at Exhibit SKC/09 corroborated the information already before it and therefore found it to be relevant. Furthermore, the panel concluded that the statements of Witness 1 and Witness 2, and the summary of admissions at Exhibit SKC/09 were not the sole or decisive evidence in your case.

The panel went on to consider the nature and extent of the challenge to the evidence you have. It noted that you were not disputing that there may well have been fraudulent proxy testing at Yunnik, but you maintained that you did not use a proxy. Furthermore, the panel noted that you do not challenge this evidence and have no objection to it being admitted. However, the panel acknowledged that you are not legally represented.

The panel was satisfied that there was no reason to suggest that the information provided by these witnesses had been fabricated, especially given that not all of them went on to be admitted to the register. Falsely admitting to using a proxy test taker in order to get onto the register would therefore be a high-risk strategy. It also determined that having these witnesses attend in person at each and every hearing relating to Yunnik fraud cases would be disproportionate, given the sheer volume of cases to be heard. In addition, the panel noted that you had been given prior notice that these witnesses' statements and the summary of admissions were to be read.

In these circumstances, the panel determined that Witnesses 1 and Witness 2's statements and the summary of admissions at Exhibit SCK/09 were relevant, and that it would be fair to accept them into evidence. In due course, the panel will determine what weight, if any, to attach to them.

Background

On 16 March 2023, Pearson VUE, the NMC's CBT provider, alerted it to unusual data relating to tests taken at 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), Mr Richard Steele, to provide the NMC with an objective analysis of the data provided by Pearson VUE. Mr Steele looked at the times CBT candidates at Yunnik took to achieve

their CBT pass, compared with the times taken by CBT candidates from other test centres in Nigeria and globally. Using this data, Mr 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. Mr 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 tester 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 (as per Mr Steele's report), in order to identify tests which were taken at such a speed that it is likely that the results had been fraudulently obtained (information indicating the use of a proxy test taker). These test-takers are identified as '*outliers*'.

Because of the evidence of widespread fraudulent activity at Yunnik, 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 Yunnik, to take a new CBT.

You took your CBT at Yunnik on 23 January 2023 at 10:57.

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: 3.32 Minutes (Time allocated for test: 30 minutes).
- Clinical: 7.27 Minutes (Time allocated for test: 150 minutes).

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

- Numeracy: 2.97 Minutes (Time allocated for test: 30 minutes).
- Clinical: 6.03 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete your tests with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in your tests in the time 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 for admission 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 Bryan Friess, Director of Information Security and Security Services at Pearson VUE;
- Witness statements of Sam Foster, Executive Director of Professional Practice at the NMC;
- Witness statements of Witness 1 and Witness 2;
- Other test activity at Yunnik on the date you sat your test;
- Your email response dated 27 September 2025;
- Character reference from Trish Lanciano, undated;
- Character reference from Dr Mbaka Ngwiaten dated 6 September 2025;
- University transcript dated 30 August 2024; and
- School leaving testimonial dated 22 March 2012.

In your correspondence, you stated that you prepared extensively using materials from friends, online sources and the Royal Marsden Hospital Manual of Clinical Nursing Procedures. You stated that you studied for several months and revised numerous practice questions, becoming familiar with the exam format and content.

It is your case that on the day of the exam, you arrived early, and your ID was verified by the staff. You were taken to the test room and instructed to begin your test. Despite some

normal exam tension, you completed the exam quickly and confidently, finding the questions easy and similar to the ones you practised during your preparation.

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 the 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 20 October 2025, you were informed that the Assistant Registrar had refused your application to the register. You appealed the decision on 17 November 2025, within the 28-day time limit.

Evidence

The panel also took into account 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.
- Bryan Friess: Employed by Pearson VUE as a Director of Information Security and Security Services

- Sara Kovach-Clark: Employed by the NMC as the Assistant Director of Policy and a member of the NMC's Executive Team.
- Darren Richards: Employed by Broadstone Regulatory & Risk Advisory Limited as the Head of Insurance, Regulatory and Risk. Adopts the statement of Mr Steele.
- Julie Bliss: A registered nurse and 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 within the Professional Practice Directorate.

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

- Testimonial from Trish Lanciano, your manager and the Ward Manager 5A-Surgery at Gloucestershire Hospitals NHS Foundation Trust;
- Testimonial from Dr Mbaka Ngwiate, your former employer and registrar at Archdeacon Brown Education Centre, dated 26 September 2025;
- Your nursing school transcript for your training undertaken between September 2008 and November 2011, dated 30 August 2024;
- Your Nursing school leaving testimonial, dated 22 March 2012;
- Your notice of appeal, dated 17 November 2025;
- Testimonial from Dr Chris Ihejiekwu, dated 17 November 2025;

- An email from Pearson VUE dated 31 August 2022, containing your booking confirmation for 9 September 2022; and
- An email from Pearson VUE dated 21 January 2023, containing your booking confirmation for 23 January 2023.

The panel also heard oral evidence from you under affirmation.

You told the panel that you graduated from nursing school in Nigeria in 2011. You said that you practised as a nurse for almost 10 years in Nigeria before your husband brought you and your children to the UK in November 2021. When you moved to the UK, you became a Healthcare Assistant (HCA). You wanted to continue your nursing career in the UK but needed to complete the relevant exams to do so.

You told the panel that you had to return to Nigeria to obtain your nursing certificate and could not take the Objective Structured Clinical Examination (OSCE) before you had collected it. You initially wanted to do the CBT in the UK, but when you told your sister that you were coming back to Nigeria to get your nursing certificate, she suggested doing your CBT in Nigeria. She had explained to you that one of her friends, who was a nurse, had friends who did their CBT at Yunnik, and she said that it was known that people passed more there. You did not ask your sister what she meant by this, but you thought it meant the exam centre would be friendlier and there would be less tension, as that is something that stops people from succeeding in some exams. You suggested you could do it in Lagos, but your sister told you that the traffic might make you miss your exam, so you agreed to book it for Yunnik. You confirmed that you did not carry out any independent research into Yunnik.

When asked how your sister would know the correct date to book, you explained that you gave her a specific time period for when you could travel to do the exam.

You told the panel that you started preparing for your exam and asked friends who had taken it before what material they used. A friend introduced you to the Royal Marsden material, a textbook that covers all aspects of the CBT. You also used other materials

online. However, as the first date you had booked approached, you were not feeling fully prepared and decided to cancel, as you did not want to fail.

You told the panel that you continued studying extensively and tested yourself with some mock questions. When you saw you were doing well on the test questions, you decided to rebook the CBT. You explained that your sister also booked the second exam for you. You told the panel that you had taken a couple of months to prepare for the CBT.

When asked where you travelled from to get to Nigeria, you explained that you flew from the UK to Lagos the day before the CBT. You then travelled from Lagos to Yunnik, and it did not take you long to get there, as there was no traffic. You said that you had no plans after your CBT other than going to church, which did not need to be at a specific time.

On the day of your test, you told the panel that you arrived 30 minutes before the start time. A woman from the test centre checked you in by doing an ID check and then asked you to drop your bag off. The area where you sat the CBT was a room with a desk and a computer. You said there was another computer next to you, but no one was using it. You were told to start your exam, which you did. You found the questions similar to the mock questions you had been doing while studying. You did not check the time because you just wanted to finish and did not want the exam to time out. You completed all the questions and went straight from the numeracy to the clinical. After you finished, you left the room. You said you waited for no more than 30 minutes for your results. You then took your bag and left. After that, you went to collect your nursing certificate.

You were asked what the centre looked like when you arrived, and you explained that it was not what you expected, but it was not really on your mind as you were focused on your test. You were also asked if you saw anyone other than the woman who did your ID check at the centre. You explained that you could hear people in another room, but you were completing your exam, so you did not leave your seat. You said that when you left, apart from the person who gave you your results, you did not see anyone else there.

You were asked if the computer at the desk where you took your exam was already on or whether you had to turn it on. You explained that it was already on when you were taken

to the desk and were told the exam would come up on the screen, which it did. You could not remember if the screen showed you your ID.

You told the panel that you were shocked when you found out about the fraud at Yunnik because nothing had happened when you took your CBT there. The only person you saw was the woman who did your ID check when you arrived and gave you your results.

When asked why you completed the exam so quickly, you explained that for the numeracy section, you used a calculator and just got through it quickly. You then immediately went on to the clinical section and did not look at the time. You just found that the questions were familiar to you. You explained that you did not review the answers as you were familiar with the questions. You realised you had completed it quickly because you got to click finish without the computer shutting down. When asked why you were worried about the computer shutting down, you explained that you knew how these tests worked and that if you ran out of time the computer would shut down and you would fail.

You were directed to your school of nursing certificates and asked if you agreed that, although you were a good student, you were not an exceptional student. You said that you were a good student, and the grades being referenced were from your third year when you were doing research and practising. You said that your main focus was on passing the exams.

You told the panel that in Nigeria, you were known as a good nurse and had had no concerns during the 10 years you worked as a nurse. You explained that when you told the hospital where you worked that you were moving to the UK, the director cried, and your colleagues threw you a goodbye party because they appreciated all the work you had done there.

You referred the panel to your testimonials, which speak to your good character. You also told the panel about how, during your first year at nursing school, your strong academic performance and character led the reverend sister to entrust you with responsibility for the school kitchen. You explained that you were managing significant funds, acting as a signatory to the school account, and ensuring students received good meals. You stepped down to focus on your final exams.

The panel asked you several clarifying questions. You explained that, when you finished nursing school, you received a notification letter confirming that you had passed, while the formal graduation certificate was issued later. As you had never received the certificate, you had to collect it in person in Nigeria because it was required for the OSCE.

You said that you stayed in a mission in Lagos the night before your CBT. Although your CBT was booked for 12:30, the data showed that you began it at 10:57. You explained that you had left early to avoid traffic, and when you arrived, the centre allowed you to begin the test ahead of schedule. You could not recall exactly when you arrived but confirmed that it was early.

You explained that, after running out of time in previous nursing school examinations and being unable to answer some questions, you became more conscious of managing your time.

You believed that, at the time of the CBT, you knew the number of correct answers required to pass because this was included in your study materials. When asked how you approached unfamiliar questions, you said that you had found most of the CBT questions familiar. The panel noted that you answered 89 questions in fewer than six seconds each and gave only nine incorrect answers. You explained that you did not know which answers were incorrect and had answered every question based on your knowledge. Although you had taken many examinations, you could not recall whether any had lasted three hours.

The panel noted that you used less than 5% of the three hours available for the test. You said that this did not surprise you at the time because you had not monitored the time and had focused on answering the questions. You did not review your answers because the questions were familiar from your study materials, and you believed that most of your answers were correct. You told the panel that you felt your best chance of passing the CBT was to do it quickly.

Submissions

Ms Chowdhury submitted that the burden of proof is on the NMC to prove that you were involved in fraud in obtaining your CBT result at Yunnik.

Ms Chowdhury submitted that there was generic evidence of widespread fraud at Yunnik, as evidenced by Mr Freiss and Mr Steele. She submitted that the data pattern at the Yunnik centre of exceptionally fast test times was also supported by admissions from other candidates, including Witness 1 and Witness 2 of using proxy test takers at the Yunnik centre.

Ms Chowdhury referred to the exceptionally fast times recorded for the CBT at the Yunnik Centre and submitted that it was not necessary for the panel to know the exact methodology of the fraud, whether the test taker was sitting next to you issuing oral instructions or using the computer on your behalf, and it was not necessary to know whether there were multiple proxy test takers that day. Further, she submitted that the panel should not assume that only unintelligent candidates or unprepared candidates cheat.

Ms Chowdhury referenced the expert evidence in relation to the official practice test and stated that, according to expert analysis, there was no material overlap between the practice test and the real test except for a single crossover item, and therefore, undertaking a practice test cannot explain how you managed to achieve such fast times. She submitted that whilst preparation makes it more likely that an individual will pass the CBT, it does not account for the exceptionally quick times compared with the global benchmark.

Ms Chowdhury referred to your oral evidence and your claim that you had no plans after your CBT other than going to church, which did not need to be at a specific time. She submitted that it was therefore not plausible that you would have finished so quickly without reviewing your answers.

Ms Chowdhury further submitted that your booking confirmation email, which had you down to start your test at 12:30, was contradicted by your statement to the NMC and your oral evidence, where you said you arrived at the centre 30 minutes before your scheduled

test time. She noted that your test started at 10:57, which suggests you arrived over an hour and a half before your scheduled test time.

Ms Chowdhury also submitted that three other candidates who took the CBT on the same day as you recorded exceptionally fast times, with two who took the 'RNA' test recording similar times and scores to yours. She submitted that it is improbable that four exceptionally fast candidates would have taken the test at Yunnik on the same morning and achieved such times without the use of a proxy test taker.

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.

In closing, you submitted that you arrived at Yunnik early to avoid traffic and intended to wait there until the exam started.

In terms of your character, you submitted that you have good character to practise effectively and asked the panel to consider all of your evidence. You invited the panel to allow your appeal and admit you 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 the NMC had, on the balance of probabilities, provided sufficient, cogent evidence to substantiate the NMC's claim that there was widespread fraud occurring at the Yunnik Centre.

The panel had sight of statements and analysis provided by Mr Friess, which demonstrated stark differences in test times at Yunnik compared with global averages. In consideration of Mr Friess' statement, the panel took into account that he had confirmed that there were no cyber-attacks, power outages, or software malfunctions at the Yunnik test centre. The panel considered that Mr Friess's findings were corroborated by Mr Steele's independent analysis based on the raw data provided by Pearson VUE.

The panel also took into account Mr Steele's independent analysis, which was based on the raw data provided by Pearson VUE and included diagrams and data tables. The panel noted that the data showed the time taken to complete the CBT globally and at other test centres in Nigeria, compared with the times recorded at the Yunnik centre. It noted that the data and analysis identified patterns of exceptionally quick test completion times at Yunnik that were not observed either at other test centres in Nigeria, where candidates were more likely to have had a similar educational and professional background, or globally. The panel also noted that Mr Steele's finding that *'There was an increasing proportion of cases flagged as outliers over time (starting in late 2021 and running up to March 2023 when testing at [Yunnik] was ceased).'*' The panel was of the view that this was indicative of the use of proxies who themselves became more proficient over time as a result of repeated test taking. The panel was of the view that Mr Steele's independent expert analysis corroborated the statements, data and analysis provided by Mr Friess.

The panel also took into account the statement of Ms Kovach-Clark, which explained that there were 40 other recorded admissions of candidates' experience of fraudulent activities and use of human proxies at Yunnik. The panel considered this material, which although hearsay, supported the contextual data.

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, and 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, the panel was satisfied, on the balance of probabilities, that the NMC has provided sufficient cogent evidence to substantiate that there was widespread fraud occurring at the Yunnik centre.

The panel went on to determine whether the NMC has proved on the balance of probabilities that you had obtained your CBT results through fraudulent means at Yunnik.

The panel acknowledged that there was no direct evidence, including any CCTV footage from Yunnik, to inform its decision-making. However, it acknowledged that it had the benefit of hearing your oral evidence about what happened in Yunnik three years ago, as well as the data relating to the day of your test, and the wider contextual data sets.

The panel considered your evidence and noted that you had worked as a nurse in Nigeria for 10 years before relocating to the UK. The panel noted that your original plan was to complete the CBT in the UK; however, after you had told your sister that you needed to return to Nigeria to collect your nursing certificates you decided to book and sit your CBT in Nigeria. Your sister had also told you that she had heard that *'more people pass there'* in reference to taking the CBT at Yunnik. You had explained that you understood this to mean that it was a more positive environment. However, the panel did not consider this to be a plausible explanation, particularly because a positive environment would have little effect on any computer-based test and may be more relevant to a face-to-face examination such as the OSCE.

The panel also noted that your evidence that you considered taking the CBT in Lagos; however, you decided to book it in Yunnik after your sister told you there might be traffic issues that could cause you to miss your test. The panel took this into account but was not satisfied that this was plausible, given that you could have completed the CBT in the UK, where you were living, and which would have been more convenient for you.

The panel also took into account that you had cancelled your first CBT at Yunnik because you felt underprepared and only rebooked it when you felt ready to sit the test. However, while the panel acknowledged that you said that you needed to collect your nursing certificates, it could not understand why you chose to book the CBT at Yunnik on two occasions when you were living in the UK.

In considering your account of arriving at Yunnik on the day of your test, the panel noted that in your statement and initially in oral evidence you explained that you had arrived 30 minutes before your test time. The panel noted that in your booking confirmation email dated 21 January 2023, it stated that your start time was scheduled for 12:30. However, the data shows that you started your test at 10:57. When questioned about this, you simply said you got there early. The panel found your evidence to have been

contradictory, as you would have needed to arrive at the centre almost two hours before your start time to have started your CBT at the time you did.

The panel considered Mr Friess' same-day data, which shows that three other candidates were identified as outliers who took their test on the same morning. Two of those candidates were taking the same 'RNA' CBT. The first outlier took their test at 09:16 and scored 100 in numeracy in 3 minutes and 80 in clinical in 8 minutes. The second outlier took their test at 09:55 and scored 93 in numeracy in 3 minutes and 81 in clinical in 7 minutes. Using Mr Friess' data, you took your test at 10:57 and scored 100 in numeracy in 3 minutes, and 89 in clinical in 7 minutes. The panel was of the view that it was highly improbable that three such exceptionally fast test takers would be present on the same morning at the same centre. The panel was also of the view that the same day data indicates that there was more likely than not a proxy operating at Yunnik on the day of your test, given that the other outliers completed the same CBT as you in remarkably similar times to you with remarkably similar scores.

The panel then considered your exceptionally fast test times. It took into account Mr Steele's analysis of your specific data, which provided the following odds of how achievable your test times were compared to all CBT takers globally:

'Evaluated Clinical Timing ...: 6.03 minutes: Odds less likely than 1 in 56,478

'Evaluated Numeracy Timing....: 2.97 minutes: Odds less likely than 1 in 58,123'

The panel noted that you did not dispute the recorded test times, despite them being significantly faster than any others recorded worldwide. The only explanation you provided was that you had prepared for the CBT for several months, were not monitoring the time during the test, and wanted to complete it as quickly as possible to avoid running out of time. The panel considered your explanation that after running out of time in previous nursing school examinations and being unable to answer some questions, you said that you became more conscious of managing your time. The panel was of the view that such an explanation seemed implausible given the time available to take the test and the exceptionally fast time in which you completed it.

The panel further considered your evidence that you did not review your answers as you were confident that they were correct. However, the panel noted firstly that not all of your answers were correct and secondly considered it unlikely that a candidate who had prepared extensively and travelled a significant distance to take the test would not have taken the time to double check their answers. The panel considered this to be particularly surprising given the time remaining to you to review your answers.

The panel also took into account Mr Steele's global comparator data, which showed that no candidate in Nigeria, or anywhere in the world, had completed the numeracy component of the CBT in under three minutes or the clinical component in under seven minutes. In contrast, you were one of 125 individuals at Yunnik who completed the numeracy component within three minutes, and one of 161 individuals at Yunnik who completed the clinical component within seven minutes.

The panel considered Mr Steele's breakdown of the time you spent completing the 100 questions for the clinical part of the CBT. It is stated that you took:

- 2 to 4 seconds to complete 65 questions;
- 4 to 6 seconds to complete 24 questions;
- 6 to 8 seconds to complete 4 questions;
- 8 to 10 seconds to complete 3 questions;
- 12 to 14 seconds to complete 2 questions;
- 16 to 18 seconds to complete 1 question; and
- 18 to 20 seconds to complete 1 question.

The panel acknowledged that the CBT may be straightforward for an experienced nurse, particularly as it consists entirely of multiple-choice questions. However, it noted that some questions are lengthy and detailed, and that the answer options can be complex and require careful reading and consideration. The panel also took into account that candidates are given 150 minutes to complete the clinical part of the CBT, giving them approximately one minute and 30 seconds per question, meaning there is no need to rush through the questions. The panel determined that, even accepting that you are an

experienced nurse and had spent a significant amount of time preparing for the CBT, it was inconceivable that an individual sitting the CBT for the first time could maintain the speeds identified by Mr Steele and achieve the scores you obtained independently, without the use of fraudulent means.

The panel noted that you had made considerable effort to get to Yunnik to take your CBT; choosing not to take your CBT in the UK, cancelling your first test and then rebooking at Yunnik, flying to Nigeria from the UK the day before your CBT. The panel did not find it plausible that you would then spend only 10 minutes on your CBT despite 180 minutes being allocated for the test.

In conclusion, having considered the evidence provided by the NMC, including the same day data of the three other outliers at Yunnik that day, your exceptionally fast test times and high scores, the number of contradictions in your evidence, and the implausibility of some of your explanations, the panel was satisfied, on the balance of probabilities, that you had 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, 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 found that your dishonest behaviour in obtaining your CBT result fraudulently constituted a breach of the code and therefore raises concerns about your character. The panel noted that the test for good character is high.

The panel took into account that, in your evidence, you explained you are of good character and have had an unblemished career as a nurse in Nigeria for around 10 years. It also took into account your positive testimonials regarding your character, including one from your current employer in the UK, where you work as a HCA. However, the panel noted that there were no independent testimonials from any of your employers in Nigeria to speak to your character, considering that you had ten years of experience there.

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. Having found that you fraudulently obtained your CBT result and have maintained your position throughout your engagement with the NMC and the panel, it cannot be satisfied that you remain of good character.

Therefore, the panel determined that you have not met the good character requirements as identified in the NMC guidance on health and character for admission to the register.

Therefore, the panel 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.