

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday, 23 – Thursday, 25 June 2026**

Virtual Hearing

Name of Appellant:	Iyore Ogbonmwan
Type of case:	Registrations appeal
Panel members:	John Anderson (Chair, lay member) Naomi Smith (Registrant member) Nicola Bowes (Lay member)
Legal Assessor:	Graeme Sampson
Hearings Coordinator:	Franchessca Nyame
Nursing and Midwifery Council:	Represented by Mousumi Chowdhury, Case Presenter
Ms Ogbonmwan:	Present and represented by Keila Parker, (Norfolk and Norwich University Hospital)
Decision:	Appeal dismissed

Decision and reason

The panel decided to dismiss your appeal against the decision of the Assistant Registrar (AR) 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 AR, dated 5 August 2024, that you did not meet the character requirements for registration to the NMC register.

Decision and reasons on application to admit the statements of Witnesses 1 and 2 as 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 Witnesses 1 and 2 in evidence.

Ms Chowdhury submitted that it would be admissible, fair and reasonable to admit the written statements as hearsay. She added that the statements are not sole or decisive evidence against you, rather it is corroborative evidence that proxies were used at Yunnik. She highlighted that your case is not that proxies were not used at Yunnik, only that you did not use a proxy.

Ms Chowdhury further submitted that the NMC does not propose to call either of the persons who made the witness statements to give oral evidence as it would not be practicable, proportionate or appropriate to call the witnesses. Additionally, she submitted that requiring the witnesses to give oral evidence at this 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, which is not in the public interest.

Ms Chowdhury went on to submit that, prior to this hearing, you had been notified in advance that it was the NMC's intention for the hearsay evidence to be read.

Ms Parker, on your behalf, submitted that, with regard to the proxy fraud, you know that the statements of Witnesses 1 and 2 are an important part of the evidence. She did not oppose the application.

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 the application in regard to admitting Witness 1 and Witness 2's statements into evidence consideration.

The panel noted that Witness 1 and Witness 2's evidence related to the background and contextual circumstances of their own experiences at Yunnik. 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. It noted that you do not dispute that there may well have been fraudulent proxy test taking at Yunnik, but it was your case that you did not use a proxy.

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 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.

In these circumstances, the panel determined that Witness 1 and Witness 2's witness statements were relevant, and that it would be fair to accept them into evidence.

Decision and reasons on application to admit your CBT re-sit timings into the evidence

Ms Chowdhury made an application under Rule 31 to allow your CBT re-sit timings to be admitted into the evidence.

Ms Chowdhury directed the panel to the following paragraph of the NMC's written submissions:

'The 717 individuals who had taken a test that put them in the 1 in 2,500 percentile were warned that it was considered likely they had used fraud. They were told that they could take a new CBT. They were also told that...they could rely on it and seek to persuade the Investigating Committee that they had been honest in the initial test. A further letter was sent clarifying the extent of this concession/promise, making clear that if a candidate chose to rely on the CBT resit test times, the presenting officer and panel would be entitled to point out the differences in test times.'

Ms Chowdhury submitted that you make reference to your CBT re-sit timings as part of your case, making the point that your Numeracy CBT times at Yunnik and in the UK follow the same pattern. She went on to submit that the NMC's position that it is therefore important to have these re-sit timings in evidence for the purposes of cross-examination.

Ms Parker supported this application.

The panel accepted the advice of the legal assessor.

In light of the legal assessor's advice and the agreement of both parties, the panel concluded that it was satisfied to admit your CBT re-sit timings into evidence.

Background

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

Following completion of the NMC's initial investigation into this issue it concluded that there was evidence of widespread fraud at the Yunnik centre, where a large number of

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

The NMC next asked an independent data analytics expert of Broadstone (previously known as OAC Limited), Richard Steele, to provide the NMC with an objective analysis of the data provided by Pearson VUE. Broadstone looked at the times in which CBT candidates at Yunnik took to achieve their CBT pass, compared with times taken by CBT candidates from other test centres in Nigeria and globally. Using this data, Broadstone 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. Broadstone'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.

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

- Numeracy: 5.10 Minutes (Time allocated for test: 30 minutes).
- Clinical: 10.82 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 within the times it took you to complete them.

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

When considering your application to the register, the AR took into account the following documentation:

- Your completed application
- The 'evidence bundle' consisting of:
 - Expert report by Richard Steele, Head of Data Analytics at Broadstone
 - Witness statement of Bryan Friess, Director of Information Security and Security Services at Pearson VUE
 - Witness statement of Sam Foster, Executive Director of Professional Practice at the NMC (now adopted by Elizabeth Lamont)
 - Witness statements of Registrant A and Registrant B (also known as Witness 1 and Witness 2)
- Other test activity at Yunnik on the date you sat your test

The AR also took into account the following documentation from you:

- Your statement sent via email dated 24 July 2024

In your correspondence you deny being involved in any exam malpractice at the Yunnik test centre. You stated that 'you prepared to take your CBT by using past questions from various sources including nmc-cbt.com and the Pearson VUE website. You said you used these resources as though you were under exam conditions. You said that the numeracy part of the CBT was similar to the Pearson VUE practice questions. You said that some questions were repeated and that you wasted no time in answering the questions. In regard to the clinical part of the CBT, you said that some questions were repeated and that you were able to answer the majority based on your 17 years of experience in bedside nursing.'

It is your case that you chose to sit your CBT at the Yunnik test centre in Ibadan because it was the closest test centre to you in Edo State, Nigeria, with the most suitable availability for you. The AR noted you said on the day of your test you completed all necessary pre-examination formalities.

The AR considered your explanation regarding the extensive preparation that you undertook for the CBT exam, and that it is because of this preparation that you achieved your pass in the time it took you. The AR accepted that thorough preparation undertaken by any candidate may increase the likelihood that they would achieve a pass. However, the AR found that this did not explain how you were able to obtain your test result in the time you did when comparing it against times taken by candidates globally. The AR 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 AR therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 5 August 2024, you were informed that the AR had refused your application onto the register. You appealed the decision on 22 August 2024, within the 28 day time limit.

Evidence

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

- Elizabeth Lamont Assistant Director for Registration and Revalidation and a member of the Executive Team for Professional Regulation at the NMC who adopted Sam Foster's witness statement

- Darren Richards: Head of Insurance, Regulatory and Risk at Broadstone, expert witness regarding the analysis of the data provided by Pearson VUE provided the NMC who adopted Richard Steele's witness statement

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

- Witness 1: Band 5 nurse in the UK who provided her experience sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience sitting an exam at Yunnik.
- Bryan Friess Director of Information Security and Security Services at Pearson VUE.

Bryan Friess was due to attend this hearing as a witness. At the relevant time, he could not be contacted due to poor internet connection. It was indicated that you had no questions to put to him as a witness. Accordingly, all parties agreed to adopt his written statement.

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

- A written statement
- A character reference from Keila Parker, Cardiology Matron Norfolk and Norwich University Hospital (NNUH) dated 9 August 2024
- A character reference from Jane Thomas, Gastro Clinical Educator at NNUH dated 21 August 2024
- A character reference from Michelle Wigger, Gastroenterology Matron at NNUH dated 9 August 2024
- A character reference from Owen Brooks, Deputy Divisional Nurse Director, Medicine at NNUH dated 19 August 2024

You also gave oral evidence and called Keila Parker and Michelle Wigger from NNUH to give oral evidence as character witnesses.

Your evidence

You stated that you took your CBT at Yunnik on 5 August 2022 at 13:24. You said that you did not meet Witness 1 or 2 and that you were the only candidate present when you took your test along with the owner of Yunnik. You told the panel that you were not approached by anyone asking for payment to take the test and that you did not have your belongings with you when you completed the CBT.

In cross examination, you said that you chose to complete your CBT at Yunnik because it was the closest of the five other test centres. When told that there were two other people who would have been at Yunnik when you were, you maintained that you were the only candidate there and did not see any other candidates when you arrived at Yunnik. You said that you did not keep track of your time during the test and you did not fully read the questions or review your answers. You stated that you used Pearson VUE and NMC materials to study and that you revised for less than a month in preparation for the CBT at Yunnik. You also stated that you would time yourself when completing mock tests and would complete those tests in a fast time.

You also provided personal mitigation and informed the panel of bereavement and health issues you experienced prior to your CBT re-sit in the UK.

Submissions

Ms Chowdhury submitted that it is the NMC's position that the specific evidence, namely the speed of your completion of the CBT and your high test scores show that it is more likely than not that you used a proxy test taker despite your denial otherwise.

Ms Chowdhury reminded the panel of your CBT completion time at Yunnik and submitted that, when compared to your re-sit test times in the UK, there is a very stark difference. Your numeracy test time in the UK was 25 minutes and the clinical time was 95.57 minutes. She submitted that it is accepted that you sat the UK resit in different circumstances; you had knowledge of the NMC investigation and have given evidence of the personal losses you suffered. Ms Chowdhury submitted that those factors do not

explain the extent of the time difference, and that the main reason for the significant increase in test time is that, in the UK, you did not have a proficient proxy test taker to help you.

Ms Chowdhury further submitted that there are anomalies in your evidence.

You said in your written and oral evidence that you did not see anyone at Yunnik, but when considering the same day data, the last candidate before you stated at 12:15 and was there for 119 minutes. Ms Chowdhury submitted that this meant that the candidate would have finished at 14:14 so, given that you said you started at 13:24, you would have seen this candidate at Yunnik.

Furthermore, Ms Chowdhury highlighted that you say you prepared for the CBT using Pearson VUE and NMC materials and practised past questions under timed conditions. She added that Michelle Wigger described you as “*ambitious*” and submitted that, on the evidence, you are someone who strives to have a good academic achievements which contrasts with the way in which you completed your CBT, in particular not checking the time before you started your test and after you had finished. She submitted that it is not plausible for someone who timed themselves during practise questions to not do so for the real exam.

Ms Chowdhury directed the panel to your question timings for the clinical test and highlighted that 53 of the questions you answered were within four to six seconds. It is your evidence that you did not fully read questions but rather looked for keywords and knew the answers because of your previous nursing experience. She submitted that your explanation does not properly explain how you were able to answer 100 questions in the time that you did, and that it is improbable that any honest test taker would complete the CBT that quickly.

Ms Chowdhury reminded the panel of your inconsistent answers when asked the number of multiple choice answers per question on the clinical test, first saying two and then changing to four or five when shown examples clinical test questions from Pearson VUE.

Ms Chowdhury submitted that that the generic, specific and live evidence all lead to the conclusion that it was more likely than not that your CBT results were obtained through fraud.

Ms Parker submitted that you are not here at this hearing to dispute the data and statistics that have evidenced that there was fraud occurring at Yunnik, but rather whether you have acted in a fraudulent manner or fallen victim to conclusions arising from circumstantial evidence and chance correlations.

Ms Parker went on to submit that, on review of the evidence before the panel, there is no evidence of physical checks taking place to ensure the correct person is taking the test which raises the question why there are different practises at different test centres. She added that, with the cruciality of these tests, the test centres must be checked and there is no evidence of Bryan Friess attending the centre to check his findings. She further submitted that Bryan Friess' report findings state that the member of the Pearson VUE team (someone with no medical or nursing training) took two minutes to tab through the clinical test randomly. However, she submitted that, as an experienced nurse who has taught in the teaching hospital, this is second nature to you. She also submitted that, within the same report, it states that there is no set minimum completion time for the CBT.

Ms Parker reminded the panel of your education, career and 17 years of nursing experience. She submitted that this led you to complete the questions in an efficient time. She highlighted that you openly admit that there is a big time difference between the CBT times at Yunnik and those in the UK. However, she submitted that you have also offered the appalling personal circumstances you found yourself in when taking the re-sit test, all of which led to the stress, anxiety and health concerns which has been found to cause delayed decision making and brain fog.

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 considered the witness statements of Witnesses 1 and 2, who give detailed accounts of the CBT at Yunnik and the use of proxies. Additionally, the panel had before it the data from Bryan Friess with regards to the times taken to complete the CBT at Yunnik and that there were no power outages during the individual test sittings. It is the evidence of Richard Steele that the data obtained is accurate and indicative of fraud. This was corroborated by the independent data analysis of Richard Steele, including diagrams 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.

Further, the panel took into account the witness statement of Elizabeth Lamont which makes reference to admissions from a large number of other candidates regarding the use of proxy test takers the Yunnik test centre between April 2022 – March 2023. The panel also noted that all this information is set out in the written submissions from Rory Dunlop KC which both the NMC and your representative have accepted. For these reasons, the panel was satisfied that there is evidence before it to support that widespread fraud occurred at the Yunnik test centre.

The panel next considered whether it is more likely than not that you engaged in fraud to obtain your CBT result from the Yunnik centre on 5 August 2022.

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: 10.82 minutes: Odds less likely than 1 in 56,478

Evaluated Numeracy Timing: 5.1 minutes: Odds 1 in 3632.69'

The panel had regard to the timings of your answers to the clinical test questions. The panel noted that the questions for the clinical test consisted of 100 questions with four multiple choice answers each. The panel took into account the time you took during your clinical test (10.82 minutes) which would have meant that you had taken an average of

6.49 seconds per question. The panel also noted that you completed a count of 16 questions within the time range of two – four seconds and a further count of 37 questions within the time range of four – six seconds. The panel considered this to be implausible if you were completing the CBT without a proxy test taker.

Additionally, the panel noted inconsistencies in your oral evidence regarding the number of multiple choice answers per question. In your evidence in chief, you stated that there were two answers which then changed to three and five, and in cross examination, you said there were four or five. It concluded that the proper inference it should draw is that your fast completion of the test, and your inconsistency in respect of the number of multiple choice answers on the clinical test, was more likely than not due to you completing the CBT fraudulently by use of a proficient proxy test taker.

The panel noted that there were two other candidates who attended Yunnik on the same day whose CBT times were exceptionally faster than any times achieved in both the national and global populations, excluding Yunnik. The panel was of the view that these results, including your own, indicate that it is more likely than not that fraudulent activity was taking place at Yunnik on 5 August 2022, and more likely than not that a proxy test taker was in use.

You provided the panel with information regarding your preparation for the CBT. While the panel accepted that Pearson VUE practice materials would assist a candidate in preparing for the CBT, it bore in mind that these materials were accessible worldwide. As such, the panel considered that it would expect to see similar exceptionally fast test times being produced in test centres globally, which the data indicates is not the case.

In addition, it considered that you said you had you relied on your 17 years of clinical experience as a registered nurse as another reason for your exceptionally fast test times. Whilst the panel accepted that nursing experience could assist a candidate in the CBT, it was not satisfied that it would deliver such exceptionally fast test times and high scores.

Lastly, the panel compared your CBT test times on 5 August 2022 to your re-sit CBT times which were 95.57 minutes for clinical and 25 minutes for numeracy. [PRIVATE] but decided it did not explain the real and obvious difference in the CBT completion times.

The panel considered that your explanations with regard to your exceptionally fast test times did not undermine the evidence provided by the NMC that you obtained your CBT results fraudulently or through a proxy test taker. It concluded that your fast completion of the CBT made it more likely than not that you obtained your test results fraudulently. It also concluded that, in light of the evidence available regarding fraudulent activity taking place at Yunnik, in all likelihood you obtained your result with 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 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 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 took into account the character references from Keila Parker and Michelle Wigger who have worked with you at NNUH. Whilst both colleagues spoke well of you and your clinical practice, describing you as "*kind...knowledgeable*" and "*ambitious*", the panel was of the view that their statements were limited with regard to honesty and integrity. Further, the panel had particular regard to the following factors to consider in the NMC guidance on health and character:

- *Reflection and insight about the conduct and obligations as a registered nurse...*
- *Any explanation offered for the conduct having occurred.'*

The panel had regard to your statement and oral evidence and considered that you deny that you participated in fraud at Yunnik and you have thereby failed to demonstrate to the panel the honesty that would be expected and have thereby attempted to attain entry on the register by deceit.

Given the panel's finding that you engaged in fraud at Yunnik and your lack of reflection and insight, the panel determined that you have not satisfied the character requirements for successful admission on the register.

For all the above reasons, the panel therefore decided to dismiss your appeal, to uphold the decision of the AR, 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.