

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Monday 2 – Wednesday 4 February 2026**

Virtual Hearing

Name of Appellant: **Mercy Eronmwon Okoro-Ogbawe**

NMC PRN: 1022090924

Type of case: Registrations appeal

Panel members: Gary Tanner (Chair, Lay member)
Aileen Cherry (Registrant member)
Sally Allbeury (Lay member)

Legal Assessor: Brett Wilson

Hearings Coordinator: Rebecka Selva

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

Ms Okoro-Ogbawe: Present and represented by Omorodion
Osazuwa instructed by Osazuwa Legal Services

Decision: **Appeal dismissed**

Decision and reasons

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the Assistant Registrar, dated 8 January 2024, that you did not meet the character requirements for registration to the NMC register.

The panel decided to dismiss your appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council (NMC). This follows the decision by the panel that you had more likely than not sought to gain admittance to the NMC register by fraud.

Background

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

The 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 testing which was not present at other testing centres globally.

Pearson VUE's investigation also concluded that there was no technical error at the Yunnik centre that had led to the data set and alleged that human interference was involved.

The NMC commissioned a report from Witness 5, 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 global averages.

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 CBT 2021, 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 NMC's case is that the data in relation to your CBT shows that you achieved a pass in two separate tests in the following raw times as identified by Witness 4:

- Numeracy: 6.32 Minutes (Time allocated for test: 30 minutes).
- Clinical: 14.25 Minutes (Time allocated for test: 150 minutes).

Comparing your time to complete the clinical test with times taken by candidates globally, it was considered very unlikely by the NMC that you could have achieved a pass in the test within the times it took you to complete it. Taking into account the time in which your test was taken, in a centre in which the NMC allege there to have been widespread fraudulent activity, it was considered by the NMC to be more likely than not that your CBT result was obtained fraudulently.

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

- Your completed application;
- Assistant Registrar's letter dated to you dated 8 January 2024
- Expert reports by Witness 5 Head of Data Analytics at OAC;
- Witness 5's evaluation of your CBT times (Numeracy time: 5.83 minutes and Clinical time: 12.87 minutes)
- Witness statement of Witness 4, Director of Information Security and Security Services at Pearson VUE;

- Witness statements of Witness 1 and Witness 2;
- Witness statement of Witness 6, Executive Director of Professional Practice at the NMC;

On 8 January 2024, you were informed that the Assistant Registrar had refused your application onto the register.

You appealed the decision on 2 February 2024, within the 28-day time limit.

Evidence

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

- Witness 1: Band 5 nurse in the UK who provided her experience of sitting an exam at Yunnik.
- Witness 2: Band 4 Pre-registration nurse in the UK who provided her experience of sitting an exam at Yunnik.
- Witness 3: The Deputy Director for Business Transformation and a member of the Executive Team for Professional Regulation.
- Witness 6: Employed by the NMC as the Executive Director of Professional Practice.

- Witness 7: 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:

- Witness 4: Director of Information Security and Security Services at Pearson VUE.
- Witness 5: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.
- Witness 8: Nursing Education Adviser at the NMC and adopts the witness statement of Witness 7.
- Witness 9: Assistant Director of CBT Delivery at the NMC and adopts the witness statements of Witness 3 and Witness 6.

Submissions

Ms Khan outlined that it has been agreed by Mr Osazuwa, on your behalf, to admit the hearsay evidence before the panel.

Ms Khan submitted that your application to the register was not refused due to mere suspicion but was through a layered investigation into serious irregularities at the single

Pearson VUE Test Centre in Yunnik, Nigeria. She submitted that there is forensic data analysis, statistical benchmarking, the admissions, first-hand witness accounts, and the background contextual information.

Ms Khan referred to Witness 1 and Witness 2's statements which corroborated the routine nature of proxy operations at Yunnik. She submitted that this is consistent with Witness 5's independent statement and Witness 6's statement.

Ms Khan referred the panel to Witness 6's supplementary statement which identified 33 other logged admissions explicitly admitting to using proxy test takers.

Ms Khan referred to the histograms within Witness 4's evidence and outlined that the statistical anomalies of the test times of Yunnik as opposed to globally, reinforce suspicions of non-standard behaviour. She submitted that this is evidence of the use of proxies.

Ms Khan submitted that fraudulent human behaviour was responsible for the quick test times at Yunnik. She referred the panel to Pearson VUE's data, which indicated that the test completion times at Yunnik were significantly faster than global benchmarks. She outlined Witness 5's statistical analysis, which shows that there was a large, and statistically significant, difference between test times at Yunnik and those of candidates at other centres both in Nigeria and globally.

Ms Khan referred the panel to Witness 5's analysis of your test times and submitted that your times were exceptionally fast. Ms Khan highlighted that your time for the CBT was one of the fastest achieved by any of the other candidates who sat the test globally (excluding Yunnik). She submitted that it was highly improbable that you completed the CBT without the assistance of a proficient proxy test-taker.

Ms Khan submitted that it had been demonstrated beyond doubt that the concern around fast test times was not related to any issues with the Pearson VUE software. She submitted that Witness 4 confirmed that there were no identified power outages at Yunnik during any individual test sittings which may have accounted for the timing concerns.

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

Ms Khan drew the panel's attention to the 'same day' evidence which showed that there were two other candidates who sat their tests in a similarly fast time to you. She submitted that there were six candidates in total who sat their test within a four-hour period when each test should have been scheduled three hours apart. She submitted that the scheduling or the availability, of these individuals is questionable on the day and it makes no sense as to why they all would have been there that morning when there are only two computer workstations at Yunnik for tests.

Ms Khan referred to your evaluated resit CBT times which you sat on 28 November 2023 in the UK:

- Numeracy: 21.48 Minutes (Time allocated for test: 30 minutes).
- Clinical: 136.25 Minutes (Time allocated for test: 150 minutes).

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

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

The panel heard live evidence from Witness 5.

The panel heard live evidence from Witness 8.

The panel heard live evidence from Witness 9.

Witness 5 was re-called to give further evidence after he provided follow up evidence:

'Review Times for RegID (Yunnick): 422044981

Clinical Examination: No review time observed on 100 questions

*Numeracy Examination: Total review time observed on 15 questions: 26.5 seconds
(range from 1 to 3.7 seconds)*

Review Times for RegID (Resit): 460226928

*Clinical Examination: Total review time observed on 100 questions: 34.48 minutes
(range from 0.4 seconds to 103.3 seconds)*

*Numeracy Examination: Total review time observed on 15 questions: 25.0 seconds
(range from 0.8 to 3.1 seconds)'*

The panel heard live evidence from Witness 4.

Mr Osazuwa submitted that the evidence presented by the NMC contains no link to your CBT sitting in 2022. He submitted that the timings identified do not have your name attached to it and that the NMC has not proven the Yunnick test times were yours. He submitted that you were never involved in any fraudulent activity.

Mr Osazuwa invited the panel to uphold your appeal.

You gave live evidence under oath.

You told the panel that you are grateful for the opportunity to hear your version of events.

You told the panel that when you arrived at Yunnick you sat down at the computer terminal; you clarified that you sat down independently and did not require any human assistance nor did you experience any technical issues. You told the panel that once you finished your CBT, you raised your arm and exited the test room. You were informed that you passed your CBT and you left Yunnick.

You clarified that it took you around three to four months to prepare for the CBT in 2022.

You said that once you came to the UK, you completed your OSCE but after several months you were informed that there were suspicions about the CBTs sat at Yunnik. You said that you are not aware if there was genuinely any fraudulent activity taking place at Yunnik after you left Nigeria and came to the UK, but you can state that you did not see any fraudulent activity when you did your test in 2022.

You said that you did not check the time when you did your CBT in Yunnik, hence you disagree with the times disclosed by Witness 4 and the evaluated time provided by Witness 5.

You said that you completed another CBT in the UK which you passed but you also did not check the time it took you to complete the test.

You said that you worked as a mental health nurse for over 10 years prior to coming to the UK.

You requested that the panel accept your honesty and transparency in this matter.

In cross examination, you said that in January 2022, you decided you wanted to continue your nursing career in the UK.

You said that you began sourcing practice materials in preparation for the CBT in May 2022. You clarified that the materials were called 'NMC CBT questions', found on the NMC website. You also sought materials from your friends/colleagues who had already become registered nurses in the UK. You said you revised from two to four hours a day. You clarified that when you were practising the tests at home you did not check the time. You highlighted that used a site called 'Mentor Merlin'.

You said that you lived and worked in Benin City. You clarified that there were no CBT centres in Benin City, hence the closest centre to you was Yunnik. It took you around 4 hours to travel to Yunnik. You said that Asaba centre is closer than Yunnik but there were no available dates, therefore you opted for Yunnik.

You were not aware of other centres in Ibadan as Yunnik had your preferable dates available.

You said that you used the Pearson VUE website to book your CBT and this cost you 120,000 Naira.

You said that you honestly had no idea about the proxy test takers at Yunnik. You told the panel that if you had known you would have never booked your test at Yunnik. Your test was booked for 09:45.

You said that you took a direct bus from Benin to Ibadan at around 04:00. You recalled arriving at Yunnik at 09:30.

You said that when you arrived at Yunnik it was a small centre, the test room had two computers.

You said that it looked like an old building, when you entered you handed in your ID at the reception to register for the CBT. You said that in the reception the staff asked for proof of ID and proof of payment. In the reception area you saw two examiners and another candidate. You said that you did not see anyone enter or exit the test room as you were focused on your own CBT. You said that there was only one door which was both entrance and exit.

You said that you did not take note of the time nor did you wear a watch into the test. However, you know that the time before the panel is not correct as you know your own capability.

You said that there was another person in the test room, but you cannot remember if they were in the room before you entered or if they were still there as you left.

You told the panel that on your result paper you were excited that you passed so you did not focus on the time.

You said that after you finished your test you went straight to the bus station. You said that you did not look at the time as you said that there is no official bus timetable. You said that you arrived home late due to heavy traffic. You said that you did not know what time it was but that it was dark outside.

You said that you were offered a job in the UK on 14 November 2022 which offered you sponsorship.

You said that when you sat your CBT in 2022 you did not review your answers as you were sure of your answers. You said that when you completed your resit CBT you finished early but sat in front of the computer to '*waste time*'.

You said that you have been sitting professional nursing exams since the age of 18 and upwards.

You stated that the time you finished was not printed on the test result form, only the start time.

You said that during your CBT in 2022, you were never asked to move or stand up to allow anyone to sit at your computer terminal.

In response to panel questions, you said that your test was scheduled for 09:45 hence you aimed to arrive at least 15 minutes before at Yunnik. You said that you were not conscious of the time on 31 May 2022 as you did not have any later appointments or work. You said that when you arrived home it was dark outside.

Ms Khan clarified that you had received the bundle for this appeal hearing on 29 December 2025.

You clarified that you are not sure if it felt as though you sat your CBT in Yunnik for the same amount of time in the UK.

You said that you did not know how long the test in Yunnik was scheduled for. You clarified there are 100 clinical questions and 15 numeracy questions. In the UK CBT resit, you recalled being given 30 minutes to complete numeracy questions.

Witness 5 was recalled to clarify the link between yourself and the registration ID he used to identify your test times.

In closing, Ms Khan submitted that the CBT you sat on 31 May 2022 was not obtained through safe and honest means.

Ms Khan submitted that the evidence before the panel, is not speculation or inference but factual information.

Ms Khan outlined that not all candidates who sat their test at Yunnik were involved in fraudulent activity, but all candidates must be assessed and investigated in light of the suspicions raised.

Ms Khan submitted that you sat your CBT in Yunnik and took around 7.7 seconds to answer each question. She submitted that the probability of this happening is less than 0.0017%.

Ms Khan submitted that the same day data demonstrates a clear pattern of candidates who sat their CBT in suspiciously fast times.

Ms Khan reminded the panel of the stark difference in your test times between the CBT you sat at Yunnik to the one you sat in the UK, which was almost eight times slower.

Ms Khan reminded the panel that you are unable to provide any clear or consistent account of how long you spent in your CBT.

Ms Khan submitted that you have not provided any information that associates your PRN with any other candidates or which would show it was not otherwise yours. She outlined that this was confirmed by Witness 4.

Ms Khan referred to the recorded admissions by other candidates before the panel which include multiple admissions by other candidates from 1 June 2022, the next day after you sat your test. She outlined that multiple admissions by other candidates refer to picking certain dates at Yunnik due to availability of proxies.

Ms Khan invited the panel to dismiss the appeal and uphold the refusal of the Assistant Registrar based on the credible, consistent and compelling evidence that your Yunnik CBT results were obtained through fraudulent means. She submitted that your results in question cannot be safely relied upon as evidence that you are capable of safe and effective practice, or that you meet the character requirement for entry onto the register.

In closing, Mr Osazuwa submitted that the evidence before the panel is not reliable or credible but is based on speculation and suspicion. He submitted that the evidence has not been able to show the nexus between yourself and the alleged fraudulent activity or the use of any proxy.

Mr Osazuwa submitted that the four witnesses that were called in this hearing were not able to provide any direct evidence in relation to you.

Mr Osazuwa outlined that no names have been identified of the alleged proxies.

Mr Osazuwa submitted that the NMC have not discharged its burden of proof in this case in proving that you were involved in any fraudulent activity at Yunnik.

The panel accepted the advice of the legal assessor.

Panel's decision

In making its decision, the panel first considered whether it had sufficient evidence before it to substantiate the NMC's case that there was widespread fraud occurring at Yunnik at the time you took to complete your CBT. The panel found the evidence before it to be cogent and credible.

The panel had sight of the Pearson VUE data from Witness 4 and the independent expert analysis provided by Witness 5, including tables of data and graphs setting out the times taken globally and at other centres in Nigeria to complete the CBT. The panel noted the distinctly different time distribution plots when compared to the times achieved by candidates at Yunnik.

The panel had sight of statements and analysis provided by Witness 4. It had sight of Witness 5's data analysis, including diagrams which evidence the times taken globally, including other test centres in Nigeria, to complete CBT, compared to the times achieved at the Yunnik centre. The panel considered that Witness 4's findings were corroborated by Witness 5's independent research which outlined the stark difference in the test times taken at Yunnik as opposed to globally. The panel also considered that Witness 4 confirmed that there were no cyber-attacks or software malfunctions at Yunnik test centre.

The panel took particular note of the Pearson VUE evidence prepared by Witness 4 which identified patterns that were not found at other testing centres globally and the fact that the number of fraudulent cases at the centre increased over time, both of which the panel considered were indicative of the use of human proxies. The panel considered that a proxy's increased familiarity with taking the tests and absence of being discovered were more likely than not to increase their speed and use at the test centre.

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, suggesting interference.
- Independent statistical analysis by Witness 5, confirming statistically significant discrepancies between CBTs taken at Yunnik and those taken in the rest of Nigeria and globally.

The panel also noted the evidence of Witness 4 detailing the pattern of proxy behaviour reported on days when the NMC have received admissions of fraudulent behaviour. The panel considered that the evidence of the witness statements of both Witness 1 and

Witness 2, although hearsay in nature, provide contextual evidence that proxy activity was 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 provide further contextual evidence to support the proposition of fraudulent activity at Yunnik. The panel also referred to Witness 6's statement that there were over 30 other recorded admissions of candidates' experience of fraudulent activities and use of human proxies at the Yunnik test centre. The panel considered this material to be properly admissible and to carry significant weight because it was consistent, corroborated, and aligned with the wider objective data.

Therefore, on the balance of probabilities, the panel found that it was more likely than not that there was widespread fraudulent activity taking place at the Yunnik centre.

The panel next considered whether it is more likely than not that you obtained your CBT result at Yunnik fraudulently.

The panel considered your evidence that you chose Yunnik to sit your CBT as it was prompted to you on the Pearson VUE website for your preferable dates. You said that you would have sat the CBT in Asaba were it not for your preferred dates not being unavailable. The panel accepted that your explanation for attending Yunnik to take your test was plausible as Asaba was closer to you but not available, but you provided limited evidence as to why you chose Yunnik over any other centre in the Ibadan area.

The panel considered that your live evidence was inconsistent with the numerical data provided by Witness 5. The panel noted that although you disagreed with your timings provided by Witness 5 for your CBT sat in 2022, it considered that Witness 5 was recalled to give evidence in which he thoroughly explained the link between a test candidates' PRN and Registration ID which Pearson VUE use to identify test times. The panel had sight of your resit times letter which also contained your Registration ID – it noted that you agreed with the information in this letter. The panel drew a reasonable inference from the evidence before it and concluded that it found the timings before it were accurate and did not accept your position that the times did not relate to your own test.

The panel had sight of the analysis provided by Witness 5 and Witness 4's data, including diagrams which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at Yunnik. The panel considered Witness 5's analysis of your specific data, which provided the following odds of how achievable your test times were:

'Evaluated Clinical Timing: 12.87 minutes: Odds 1 in 56478.0.

'Evaluated Numeracy Timing: 5.83 minutes: Odds 1 in 1614.53'.

The panel noted that there were five other candidates who took the test at Yunnik on the same day as you and during the same time period that was in close proximity to your test. The panel noted that two other candidates were also flagged as suspicious and within a three-hour window of each other. The panel concluded the probability of three exceptionally fast test takers being present in the same centre and on the same day, to be highly improbable and a strong indication of fraudulent activity and in all likelihood a proxy being in use at the centre at the time and date you took your test. The panel further considered that six candidates should not have been able to sit their tests within a four-hour period given that each test alone should have been allocated 150 minutes. The panel noted that you gave conflicting evidence about whether you knew how long the test was meant to last.

The panel noted your evidence that you prepared very thoroughly for your CBT for around three to four months, with various types of practice materials, namely from the NMC website and Mentor Merlin. The panel considered that most of these resources would be available globally, and that this would suggest that other people globally or in other test centres in Nigeria who accessed similar practice material might have been able to complete the test fast enough to meet the fraudulent concerns threshold. However, the data provided does not indicate such frequent and fast times at any other test centre. Further, the panel has seen evidence of your resit CBT sitting and there was nothing to suggest that you are a student who could complete exams in exceptional times with exceptional results.

The panel approached your evidence with care, recognising the potential impact of stress, cultural factors, and the need to distinguish credibility from reliability. However, your

explanation did not provide any plausible account of the extremely rapid exam times recorded. Your account did not fit with the structure and expected duration of the CBT, the contextual evidence relating to that test day, or the wider pattern found at Yunnik.

In view of the panel's decision that there was widespread fraud occurring at Yunnik, the panel found that due to the exceptionally quick time in which you achieved your CBT clinical result, this made you one of the fastest candidates globally, it was highly unlikely that you could have achieved this without the assistance of a proxy. When looking at the comparison between your times and those of the global candidate population, from a test centre where there was widespread fraud, the panel considered that the only plausible explanation for you achieving your pass in the time that you did, was that you either used a proxy or had the assistance of a proxy.

The panel was satisfied that there is cogent evidence in relation to exceptionally fast completion times, and the same day evidence at the Yunnik centre on that day, that you had completed the test with the assistance of a proxy. The panel therefore determined that it was more likely than not that you obtained your CBT result fraudulently.

The panel went on to determine whether you met the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character. The panel noted that it was for you to satisfy it that you meet the character requirements for successful admission on the register. It noted that it had no evidence before it to support that you had good character. The panel noted Ms Khan's submissions that there is no evidence of concern about your practice but weighed this against the fact it had no information about your work in either Nigeria or the UK.

The panel had determined on the balance of probabilities that you had tried to gain entry to the NMC register by means of fraud. This is not the behaviour expected of a registered nurse.

The panel had regard to 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015)', in particular paragraph 20, which sets out that registered nurses are expected to uphold the reputation of the profession. The panel therefore

concluded that, in all the circumstances of your case, you were not able to demonstrate that you met the character requirement for NMC registration.

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

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

This will be confirmed to you in writing.

That concludes this determination.