

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday, 7 July 2026-Thursday, 9 July 2026
Friday, 07 August 2026**

Virtual Hearing

Name of Appellant:	Adeola Febisola Oladoke
NMC PRN:	1021392108
Type of case:	Registrations appeal
Panel members:	Godfried Attafua (Chair, Registrant member) Elizabeth Williamson (Registrant member) Chery Hobson (Lay member)
Legal Assessor:	Graeme Henderson
Hearings Coordinator:	Sabrina Khan
Nursing and Midwifery Council:	Represented by Pamela Muniya, Case Presenter (7 July 2026-9 July 2026) Gulcan Olurcan, Case Presenter (7 August 2026)
Ms Oladoke:	Present and represented by Dr Abbey Akinoshun
Decision:	Appeal dismissed

Decision and reasons on application to admit hearsay evidence

The panel heard an application made by Ms Muniya on behalf of the Nursing and Midwifery Council (NMC) to admit hearsay evidence pursuant to Rule 31 of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004.

Ms Muniya submitted that the application relates to the witness statements of Witness 1 and Witness 2, together with a number of summaries of admissions obtained during the NMC's investigation from individuals who admitted using proxy test takers at the Yunnik Technologies Ltd test centre in Ibadan, Nigeria ('Yunnik'). Ms Muniya submitted that these documents are contained within the hearing bundle and that the basis of the application had already been provided to the panel and to you and your representative, Dr Akinoshun by way of written submissions.

Ms Muniya briefly outlined the background of the case. She referred the panel to Rule 31(1) of the Education, Registration and Registration Appeals Rules 2004, which provides that the ordinary rules of admissibility applicable in civil proceedings apply to appeals. She further relied upon Rule 31(3), which permits the panel to receive evidence that would otherwise be inadmissible where satisfied that its admission is necessary to protect members of the public. She also referred the panel to the relevant authority of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin), submitting that it sets out the factors to be considered when determining whether hearsay evidence should be admitted in regulatory proceedings. She reminded the panel that these factors are not exhaustive.

Ms Muniya submitted, firstly, that the witness statements and admissions are neither the sole nor the decisive evidence relied upon by the NMC. She explained that the NMC also relies upon expert evidence from Mr Bryan Friess of Pearson VUE, who specialises in examination misconduct. Mr Freese concluded that proxy test taking was likely to have occurred at the Yunnik Test Centre based upon several indicators, including the unusually rapid completion times of CBT examinations. In addition, the NMC relies upon expert statistical evidence prepared by Mr Richard Steele and adopted by Mr Darren Richards. Ms Muniya submitted that this statistical analysis demonstrates that CBTs undertaken at the Yunnik Test Centre, including your own examination, were completed significantly more quickly than the global benchmark, thereby providing independent support for the NMC's case.

Ms Muniya submitted that the statement of Witness 1 constitutes background evidence. She summarised that Witness 1 describes attending the Yunnik Test Centre, being pressured into allowing a proxy test taker to complete the CBT on her behalf, observing the proxy answer questions at such speed that she was unable even to read them, and being informed by the proxy that this was possible because they had undertaken the examination many times previously.

Similarly, Ms Muniya submitted that Witness 2's statement provides further background evidence. Witness 2 describes attending the Yunnik Test Centre, where a test administrator stood behind her during the examination and dictated the answers. Witness 2 further states that she felt hurried, pressured and intimidated into recording the answers provided.

Ms Muniya submitted that these witness statements, together with the summaries of admissions contained within the investigation material, corroborate the NMC's broader case that fraudulent practices were operating at the Yunnik Test Centre. She emphasised that they are not relied upon as direct evidence concerning your own CBT but rather as contextual evidence demonstrating the nature of the misconduct occurring at the centre during the relevant period.

Secondly, Ms Muniya submitted that none of the witnesses or individuals making admissions are alleged to have sat their examinations on the same day as you. Accordingly, their evidence cannot speak directly to the circumstances of your own examination. She submitted that, because the evidence concerns only those individuals' personal experiences, there is limited scope for meaningful challenge by you, and there is therefore no absolute requirement that those individuals attend for cross-examination.

Thirdly, Ms Muniya submitted that there is no plausible reason for Witness 1, Witness 2 or the other individuals who provided admissions to fabricate their accounts. She submitted that these individuals have admitted engaging in fraudulent conduct, thereby exposing themselves to serious professional consequences, including the possibility of being refused registration or being unable to practise as nurses in the United Kingdom. She submitted that this significantly enhances the reliability of their evidence and supports its admission as hearsay.

Fourthly, Ms Muniya submitted that the evidence forms part of a substantial body of generic evidence relevant to a significant number of cases arising from the Yunnik Test Centre. She

explained that approximately 700 individuals undertook CBT examinations at the centre during the relevant period. In those circumstances, it would neither be practical nor proportionate to require Witness 1, Witness 2 and all individuals who have admitted proxy test taking to attend and give oral evidence in every individual case. She further submitted that requiring such witnesses, many of whom are now practising nurses, to attend hearings and answer questions about their own conduct when they are not the subject of the proceedings would be unnecessarily distressing and could discourage others from making admissions in future. She submitted that such an outcome would not be in the public interest.

Fifthly, Ms Muniya submitted that, although the allegation of fraudulently obtaining entry to the NMC register is plainly a serious one, admitting the hearsay evidence would not prevent you from fully presenting your own case or advancing any challenge to the NMC's evidence. She submitted that there would therefore be no unfair prejudice to you. She invited the panel to balance any potential impact upon you against the NMC's overriding objective of protecting the public by ensuring that only applicants who meet the required standards of character are admitted to the register. She submitted that the public protection and public interest considerations strongly favour admission of the hearsay evidence.

Finally, Ms Muniya submitted that you and Dr Akinoshun had been given ample notice of the NMC's intention to rely upon hearsay evidence. She submitted that the application had been identified within the Notice of Hearing and the Standard Directions Form and that the NMC's intention to seek admission of the evidence had therefore been clear throughout the proceedings. She further submitted that this approach has consistently been adopted by the NMC in other CBT fraud cases.

Accordingly, Ms Muniya invited the panel to admit the witness statements and summaries of admissions as hearsay evidence and to determine the appropriate weight to attach to that evidence in the context of all the evidence before it.

Dr Akinoshun on behalf of you 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(3), makes no reference to the expression '*fair and relevant*'.

Rule 31 (3) states:

‘The Appeal Panel may hear or receive evidence which would not be admissible in such proceedings if it is satisfied that admission of that evidence is necessary in order to protect members of the public.’

In addition, he also referred the panel to the case of *Thorneycroft*. Although there is no express requirement that the panel should consider the issue of fairness the NMC have conceded that the issue of fairness should be taken into account in considering whether to admit these statements.

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

The panel considered whether you would be disadvantaged by allowing the witness statements into evidence. It noted that that Witness 1 and Witness 2’s evidence and also the evidence of Sarah Kovach-Clark with summaries of anonymised statements of admissions related to the background and contextual circumstances of their own experiences at Yunnik. Neither of these witnesses took their tests on the same day as you, and their evidence was not about your specific case.

The panel considered that the witness statements of Witness 1 and Witness 2 and also the evidence of Sarah Kovach-Clark with summaries of anonymised statements of admissions, were not the sole and decisive evidence in your case. It noted that you were not disputing that there may well have been fraudulent proxy-testing at Yunnik, but it was your case that you did not use a proxy. The panel considered that there were no relevant factors for you to cross-examine these witnesses on.

The panel was satisfied that there was no reason to suggest that the information given by these witnesses had been fabricated. It also determined that to have both witnesses attend in person, at each and every hearing relating to Yunnik fraud cases, would be unfair and disproportionate, given the sheer volume of cases that would be heard. In addition, the panel

noted that you and Dr Akinoshun had been given prior notice that these witnesses statements were to be read.

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

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. 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), Richard Steele, to provide the NMC with an objective analysis of the data provided by Pearson VUE. OAC 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, OAC 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. OAC'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 2500 percentile in order to identify tests which were taken at such speed that it is likely they were conducted using fraud most likely, a proxy test taker.

The Pearson VUE raw data provided to Mr Richard Steele for analysis had your times as follows:

- Numeracy: 7.47 Minutes (Time allocated for test: 30 minutes).
- Clinical: 53.47 Minutes (Time allocated for test: 150 minutes).

Following this analysis, excluding time taken in introductory and exit screens he confirmed the actual times you took to complete your CBT as follows:

- Numeracy: 4.37 Minutes (Time allocated for test: 30 minutes).
- Clinical: 43.48 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 Assistant Registrar took into account the following documentation:

From the NMC:

- Your completed application

- The 'evidence bundle' consisting of:
 - o Richard Steele's expert report
 - o Witness statement of Bryan Friess from Pearson VUE
 - o Witness statement of Sam Foster of the NMC

From You:

- Your email dated 23 November 2023 with your statement
- School certificate of exams taken and passed
- Certificate of registration with the NMCN – school of nursing
- Open University of Nigeria certificate showing BSc including transcripts
- Certificate of registration with the NMCN - school of post basic nursing
- Certificate of registration with the NMCN - school of midwifery

In your correspondence, you stated that you chose to sit your CBT at the Yunnik test centre because of its convenient location in Ibadan and that you had no prior knowledge of the test centre. You explained that you had undertaken extensive preparation for the CBT examination and that this preparation enabled you to achieve a successful result within the time recorded. You further stated that you had become familiar with the structure of the examination and had developed techniques that allowed you to answer the questions quickly. You also invited the Assistant Registrar to compare the time taken for your subsequent CBT with the time taken to complete your original CBT at the Yunnik test centre. In support of your case, you provided a positive character reference from your UK employer.

The Assistant Registrar considered your explanation. The Assistant Registrar accepted that thorough preparation undertaken by a candidate may increase the likelihood of achieving a successful result. However, the Assistant Registrar did not consider that even extensive preparation could adequately explain the exceptionally short time in which your original CBT at the Yunnik test centre was completed. The Assistant Registrar also considered the comparison between your subsequent CBT test time and the time taken to complete your original CBT. Whilst acknowledging that your later CBT was also completed in a relatively short period, the Assistant Registrar was not satisfied that this explained how you were able to achieve a pass in your original CBT within the significantly shorter time recorded. The Assistant Registrar further considered your positive character reference but concluded that

it did not alter the concerns arising from the timing of your CBT result obtained at the Yunnik test centre.

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. The Assistant Registrar concluded that obtaining a CBT result fraudulently in order to gain entry to the NMC register amounted to a breach of Standard 20 – *Promote professionalism and trust* of the Code, raised serious concerns regarding your integrity and trustworthiness, and had the potential to undermine public confidence in the nursing profession. Accordingly, the Assistant Registrar refused your application to join the NMC register.

On 5 December 2023, you were informed that the Assistant Registrar had refused your application to join the register. You subsequently appealed that decision, on 29 December 2023, within the prescribed 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:

- Darren Richards: Head of Insurance, Regulatory and Risk at Broadstone Regulatory and Risk Advisory Limited ('Broadstone')
- Bryan Friess: Director of Information Security and Security Services at Pearson VUE.

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

- Wendy Fowler: Nursing Education Adviser, employed by the NMC.
- Libby Lamont: Assistant Director for Registration and Revalidation, employed by the NMC.
- Sarah Kovach-Clark: Assistant Director of Policy, NMC
- Richard Steele: Independent Data Analyst, OAC
- Julie Bliss: Senior Nursing Education and Advisor at the NMC
- Nazira Ashikin: Paralegal at the NMC

The panel also heard live evidence from you under affirmation.

Submissions

The panel further heard evidence from Ms Muniya and Dr Akinoshun.

Ms Muniya submitted that the burden of proving the allegation rested squarely upon the Nursing and Midwifery Council and that the applicable standard of proof was the civil standard, namely the balance of probabilities. Accordingly, the sole issue for the panel to determine was whether it was more likely than not that you had obtained your CBT result through fraudulent means by using a proxy test taker. Ms Muniya submitted that the legal principles governing the appeal had already been comprehensively set out in the written submissions and therefore did not require repetition. Instead, she invited the panel to focus upon the evidence before it and to determine whether the decision of the Assistant Registrar refusing your registration application on character grounds should stand.

Ms Muniya submitted that your CBT result, obtained on 6 January 2022, recorded a numeracy test completion time of only 4.37 minutes. She argued that this exceptionally short completion time formed the central issue in the appeal and represented compelling evidence that the result had not been obtained honestly. She submitted that the NMC's case was supported not only by the statistical evidence relating to your own test, but also by extensive generic evidence demonstrating widespread fraudulent activity at the Yunnik test centre, including admissions from other candidates and expert analysis identifying patterns wholly consistent with human proxy testing.

Ms Muniya submitted that the panel was not required to speculate as to the precise mechanics of the fraud. She argued that it was unnecessary to determine whether a proxy had physically sat beside you, remotely controlled the computer, provided verbal instructions or used any other particular method. Likewise, she submitted that the panel was not required to determine whether there had been one proxy operating at the centre or several. Nor was it necessary to speculate upon your personal motivations for using a proxy, as there could be many reasons why an individual, irrespective of intelligence or competence, might choose to cheat. Relying upon the authorities cited within the written submissions, Ms Muniya submitted that even highly capable individuals sometimes engage in dishonest conduct and therefore intelligence alone could never provide a satisfactory answer to the allegations.

Turning to the evidence concerning the choice of test centre, Ms Muniya reminded the panel that you had stated you selected the Yunnik test centre yourself rather than being directed there by Pearson VUE. Whilst accepting that no specific proximity analysis existed in relation to your individual location, she submitted that Pearson VUE's evidence established that Yunnik was an obvious statistical outlier because an unusually large number of candidates travelled there despite it not being their nearest authorised centre. Ms Muniya submitted that this pattern was entirely consistent with the conclusions reached by Bryan Friess that candidates seeking proxy assistance deliberately attended that centre because it facilitated fraudulent activity. However, she emphasised that this evidence was merely supportive and that the principal reason your case had been brought before the panel remained the extraordinary speed with which the numeracy examination had been completed.

Ms Muniya submitted that the generic evidence overwhelmingly established that extensive fraud occurred at the Yunnik test centre. She observed that you accepted widespread fraud had taken place there, meaning that this issue was no longer genuinely in dispute. She invited the panel to place considerable weight upon the raw data provided by Pearson VUE, submitting that its integrity had never been challenged. She argued that there was no evidence capable of undermining the reliability or accuracy of the data, nor had there been any criticism of the methodology used to obtain it. She reminded the panel that Yunnik had been an authorised Pearson VUE examination centre but was subsequently closed once the fraudulent practices were uncovered. She further submitted that the absence of CCTV at the centre more likely than not facilitated the operation of proxy testers by removing an important safeguard against examination misconduct.

Referring to the evidence of Bryan Friess, Ms Muniya submitted that the factors identified within paragraph 92 of his report pointed strongly towards human proxy testing rather than any form of computer-based manipulation. She argued that the statistical analysis conducted by Richard Steele, subsequently independently reviewed and adopted by Darren Richards, demonstrated a striking disparity between examination times recorded at Yunnik and those recorded elsewhere in Nigeria and throughout the world. She emphasised that neither Mr Still's methodology nor his calculations had been challenged during the hearing. Furthermore, although the grounds of appeal criticised aspects of the evidence generally, Ms Muniya submitted that none of those criticisms had actually been put to the expert witnesses during cross-examination. Mr Richards had confirmed the accuracy and consistency of Mr Steele's reports and explained that the different presentations of the same data simply assisted understanding without altering the underlying conclusions. She further noted that no expert evidence had been called on your behalf to contradict the statistical analysis or challenge the conclusions reached by either expert.

Addressing the apparent discrepancy between clock times and recorded examination times, Ms Muniya submitted that Mr Still had clearly explained the possible reasons for such differences and that Mr Richards had fully corroborated that explanation. She argued that none of those variations affected the critical figure relevant to your case, namely the recorded numeracy completion time of 4.37 minutes, which accurately reflected the period spent answering and reviewing questions. Accordingly, she invited the panel to accept that figure as entirely reliable.

Ms Muniya submitted that the statistics suggested only one sensible explanation. She argued that candidates attending Yunnik could not realistically be assumed to possess exceptional intelligence or preparation compared with every other candidate throughout Nigeria and the rest of the world. The extraordinary concentration of exceptionally fast completion times at a single examination centre was, she submitted, incapable of innocent explanation. She argued that this conclusion was further strengthened by the admissions made by other candidates who had acknowledged using human proxy test takers at the same centre. Those admissions, she submitted, corroborated the expert evidence of Bryan Friess and provided essential context for the statistical analysis produced by Richard Steele. She invited the panel to attach maximum weight to those admissions because they independently confirmed the conclusions drawn from the objective data.

Although many admissions post-dated your examination, Ms Muniya submitted that this did not diminish their significance. She argued that the admissions established the continuing operation of human proxy testing throughout the relevant period from 2019 until the closure of the centre in 2023, and that the statistical evidence independently demonstrated the existence of outlier examination times across that entire period.

Turning specifically to your own examination, Ms Muniya submitted that your numeracy completion time of 4.37 minutes constituted the strongest evidence against you. She reminded the panel that Darren Richards had described this as the fifth fastest recorded numeracy test result in the world. She referred the panel to the cumulative statistical data demonstrating that only three candidates globally outside Yunnik had completed the examination in between four and four-and-a-half minutes, whilst no candidate elsewhere in Nigeria had achieved such a time. In contrast, at least 255 candidates at Yunnik had done so. Applying Richard Steele's statistical calculations, your examination produced odds of approximately one in 14,530, substantially exceeding the NMC's threshold of one in 2,500 used to identify cases warranting investigation. Ms Muniya submitted that the significance did not lie in whether your result represented the fastest ever recorded but rather in the extraordinary concentration of exceptionally fast performances at one single examination centre. She argued that such a phenomenon could not reasonably be explained by coincidence or exceptional ability.

Ms Muniya further submitted that the statistical evidence showed proxy testers becoming progressively faster over time as they gained greater familiarity with the live examination questions. Referring to Richard Steele's analysis of outlier examinations over successive years, she noted that only a small number of outliers had been identified before late 2021, with numbers increasing significantly during 2022 and 2023. She argued that this pattern was entirely consistent with Bryan Friess's evidence that experienced proxy testers naturally improved their speed through repeated exposure to the examination content. Consequently, although later candidates achieved even faster completion times than you, this did not undermine the case against you but instead demonstrated the gradual refinement of the fraudulent operation over time.

Ms Muniya also relied upon the same-day data. She submitted that another candidate who sat the numeracy examination on the same day recorded a completion time of 5.33 minutes, also falling within the NMC's statistical threshold for suspected fraud. She invited the panel to consider how improbable it would be for two genuinely exceptional candidates to attend the same examination centre on the same day and independently achieve globally exceptional completion times. She submitted that this coincidence was far more likely explained by the presence of a proxy operating at the centre that day.

She further relied upon Darren Richards' analysis of examination activity, which showed that you remained inactive on the introductory screen for approximately 165 seconds before commencing the numeracy questions. That inactivity ended only 23 seconds after another suspected proxy-assisted candidate had completed the numeracy examination. Ms Muniya submitted that this pattern demonstrated candidates waiting on introductory screens for a proxy to become available before commencing the examination. She argued that similar lengthy periods of inactivity were also observed amongst the other candidates examined that day, including those whose completion times fell outside the NMC's investigative threshold. Even those candidates, she submitted, completed the numeracy examination considerably faster than the normal average observed elsewhere in Nigeria and globally. These consistent behavioural patterns, coupled with extended inactivity during an active examination session, strongly reinforced the conclusion that a single proxy was assisting multiple candidates in succession.

Ms Muniya submitted that Darren Richards had also identified consistent patterns in the speed with which clinical questions were answered across all candidates. Whilst acknowledging that your clinical examination time did not itself trigger the NMC's investigative threshold, she argued that this did not establish its legitimacy. The NMC's case was that fraudulent assistance in any part of the CBT invalidated the entire examination. She reminded the panel that several candidates who admitted using proxies had similarly displayed only one examination component falling within the statistical threshold, demonstrating that fraudulent assistance need not affect both parts equally.

Addressing your reliance upon your subsequent successful resit, Ms Muniya submitted that no comparative timing data had been produced. She referred the panel to the immigration authorities concerning TOEIC examinations, which establish that successfully passing a later examination does not, by itself, rebut evidence of earlier fraud. She argued that capable individuals may nevertheless choose to use proxies for numerous reasons and therefore the fact that you later passed another examination without comparative timing evidence did nothing to undermine the compelling evidence relating to the original CBT.

Ms Muniya submitted that the statistical evidence concerning your examination remained entirely unchallenged and demonstrated an exceptionally improbable result. She argued that no credible explanation had been advanced capable of accounting for your extraordinary completion time. She submitted that an honest candidate would ordinarily take time to read, calculate, consider and review answers rather than completing fifteen numeracy questions in less than five minutes.

Turning to your oral evidence, Ms Muniya submitted that your account amounted to nothing more than a bare denial which failed to undermine the substantial evidence advanced by the NMC. She argued that several aspects of your evidence were inconsistent, implausible and contradictory. Initially, you claimed that you rushed the numeracy examination because you believed you needed to pass quickly in order to proceed to the clinical section, but subsequently accepted that you had always known you had thirty minutes available to complete that part of the examination. Ms Muniya submitted that despite considerable questioning, you were unable to provide any coherent explanation for rushing an examination which you accepted was extremely important for your future career.

She further submitted that your evidence concerning your motivation for relocating to the United Kingdom was internally inconsistent. Initially, you explained that you sought improved professional opportunities and broader experience. However, when specifically denying any use of a proxy, you subsequently asserted that moving to the United Kingdom would actually have represented a step down because you had already reached the peak of your career in Nigeria. Ms Muniya submitted that these conflicting explanations demonstrated an attempt to present whatever account appeared most favourable at the time rather than providing a truthful narrative. She invited the panel to conclude that your desire to secure registration in the United Kingdom made the CBT examination an exceptionally important opportunity, thereby providing a clear motive for dishonest conduct.

Ms Muniya also challenged your explanations for completing the examination quickly. You referred variously to wanting to return home, travelling from outside Ibadan and having a young child waiting for you. She submitted that none of those matters plausibly justified rushing an examination which had been booked voluntarily, for which you had travelled specifically and whose allocated duration was already known to you. She argued that your evidence concerning your approach to time management was similarly inconsistent. You described yourself as someone who regarded speed as important yet claimed not to have checked the remaining examination time despite allegedly completing the numeracy section in under five minutes. Ms Muniya submitted that the more logical explanation was that you were not personally completing the examination and therefore had no reason to monitor the remaining time.

She reminded the panel that Bryan Friess had explained the narrow margin for error within the numeracy examination, where only one or two incorrect answers could result in failure. Against that background, Ms Muniya submitted that a genuine candidate would inevitably proceed carefully, particularly where calculations, use of a calculator and unfamiliarity with computer-based examinations all naturally required additional time. She further submitted that you claimed to have reviewed every answer before submitting the examination. However, because the recorded time of 4.37 minutes already included any review period, your account necessarily implied that you had initially completed all fifteen questions in substantially less than 4.37 minutes before reviewing them. Ms Muniya argued that this was simply implausible and wholly inconsistent with the realities of a genuine examination.

Ms Muniya also relied upon a number of further inconsistencies in your recollection. You claimed another candidate had entered after you, that candidates had been separated by cubicles and that individuals were situated in different rooms. When confronted with photographic evidence showing no such cubicles, you accepted you had been mistaken. Ms Muniya submitted that these were not insignificant details but specific factual assertions which you later withdrew. At the same time, you were able to remember numerous other precise details about the day, including conversations, transport arrangements and events outside the examination. She submitted that this selective recollection undermined your credibility and suggested that parts of your account had been reconstructed to distance yourself from suspicion.

Turning to your preparation for the CBT, Ms Muniya submitted that neither the official Pearson VUE practice materials nor the unofficial question banks relied upon by you could explain your extraordinary examination speed. She reminded the panel that Pearson VUE had confirmed there was no overlap between the official practice materials and the live examination questions. Likewise, Bryan Friess had analysed the unofficial question banks referred to by you and concluded that they also contained no overlap with the live examination. Furthermore, Julie Bliss and Wendy Fowler had identified significant inaccuracies, poor wording and incorrect answers within those unofficial materials, making them unreliable study resources. Ms Muniya therefore submitted that your preparation, however diligent, could not reasonably account for your exceptional completion time.

Finally, Ms Muniya submitted that your academic qualifications and professional achievements did not assist the panel in determining the central issue. Those qualifications demonstrated knowledge and competence but said nothing about the extraordinary speed with which the examination had been completed. If your intelligence and preparation genuinely explained your performance, she argued, one would reasonably expect evidence of similarly exceptional completion times in other examinations, including your subsequent UK resit. No such evidence had been produced.

Accordingly, Ms Muniya submitted that the NMC had discharged the burden of proof through a compelling combination of generic and specific evidence. She argued that the statistical analysis, expert testimony, admissions from other candidates, same-day examination patterns, behavioural evidence and the inconsistencies within your own account collectively

established, on the balance of probabilities, that your CBT result had been obtained through the use of a human proxy. She therefore invited the panel to find that the Assistant Registrar's original decision was correct, to uphold the finding that the CBT had been obtained fraudulently, and to dismiss your appeal.

Dr Akinoshun submitted that, over the course of the proceedings, the panel had heard evidence from the NMC witnesses, Mr Darren Richards and Mr Bryan Friess, as well as from you personally. He submitted that, when that evidence was considered as a whole, the NMC had not established on the balance of probabilities that your CBT result had been obtained fraudulently, and that the evidence instead supported the conclusion that you had completed the examination independently and without the assistance of a proxy. Accordingly, Dr Akinoshun invited the panel to allow your appeal.

Dr Akinoshun submitted that an important feature of Mr Freese's evidence was his acknowledgement that not all of the approximately 1,970 candidates who had taken examinations at the Yunnik test centre were implicated in fraudulent activity. He submitted that this was significant because the existence of fraud at Yunnik could not, without more credible evidence, establish that every candidate who attended the centre had participated in it. Dr Akinoshun accepted that fraudulent activity had occurred at Yunnik and that proxy testers had operated there. However, he emphasised that your case had never been that no fraud existed at the centre; rather, your case was that you personally had not participated in that fraud, had not solicited assistance from any person and had completed your CBT independently.

Dr Akinoshun further relied upon Mr Freese's acknowledgement that the precise live examination questions could not ordinarily be known by candidates in advance because questions were generated through the examination system. He submitted that Mr Freese had nevertheless accepted that reviewing previous or practice questions could assist a candidate's knowledge, familiarity and speed. Dr Akinoshun argued that this was directly relevant to your evidence concerning the substantial preparation you undertook before sitting the CBT and the practice materials you had used.

Turning to the statistical evidence, Dr Akinoshun submitted that Mr Richards had acknowledged that, within the wider population of candidates, it was statistically possible for

an individual legitimately to complete an examination within an exceptionally short period. He relied in particular upon the evidence concerning the statistical documentation which indicated that a candidate amongst a group of 2,768 candidates could have completed the relevant test within approximately 5 minutes and 24 seconds. Dr Akinoshun submitted that the NMC's own evidence therefore did not establish that completing an examination in an exceptionally short period was impossible. In those circumstances, he argued that the NMC could not simply exclude the possibility that you were one of the relatively small number of candidates capable of achieving an unusually fast result legitimately.

Dr Akinoshun submitted that Mr Richards had also accepted that a candidate's knowledge and skills could influence the time taken to complete an examination. He argued that this concession was of particular significance in your case because your professional experience, nursing knowledge, specialist expertise and extensive preparation provided a credible explanation for your speed. It would therefore be wrong, he submitted, to consider the numerical completion time in isolation from the individual characteristics of the candidate who achieved it.

Dr Akinoshun also referred to discrepancies identified within aspects of the statistical material, including the data relating to a candidate whose PRN ended in 372. He submitted that those discrepancies had been identified during questions from the panel itself and demonstrated that the statistical evidence could not properly be treated as infallible. Whilst he did not suggest that the entirety of the data was unreliable, he submitted that the existence of discrepancies meant the panel should exercise caution before treating the statistical analysis as determinative evidence of fraud in your individual case.

Dr Akinoshun submitted that the process by which candidates had been identified for investigation was itself potentially unfair because the principal criterion adopted by the NMC was examination speed. He argued that focusing predominantly upon time failed adequately to distinguish between candidates with significantly different levels of experience, knowledge, preparation and professional expertise. A candidate who had fraudulently benefited from assistance would not necessarily have completed the examination within an exceptionally short period, just as an honest and highly experienced candidate could legitimately complete it quickly. Accordingly, he submitted that speed alone could not reliably distinguish between fraudulent and genuine candidates.

Addressing your oral evidence, Dr Akinoshun submitted that the panel should approach any inconsistencies or difficulties in recollection fairly and in their proper context. He reminded the panel that the examination had taken place on 6 January 2022, approximately four years before the hearing, and that at the time you had absolutely no reason to anticipate that the detailed circumstances of that day would subsequently become the subject of regulatory proceedings. You had not known that, after travelling to the United Kingdom, questions would arise regarding the validity of your CBT result. Consequently, you had no reason to preserve a contemporaneous diary, detailed chronology or written record of the physical layout of the test centre and the precise sequence of events occurring there.

Dr Akinoshun submitted that, to the extent your evidence contained discrepancies, those discrepancies were entirely capable of innocent explanation through the passage of time. He argued that they should not automatically be characterised as deliberate attempts to mislead the panel. He emphasised that reconstructing the exact chronology of an ordinary examination day some four years later would inevitably be difficult, particularly where the person concerned had never anticipated that seemingly insignificant details would later become important. Your inability to remember every detail with precision therefore did not establish dishonesty.

Turning to your professional background, Dr Akinoshun submitted that the panel had received extensive evidence demonstrating your experience and competence. You had qualified and practised as a registered nurse and midwife and had developed specialist expertise in burns and plastic nursing. Documentary evidence within the bundle supported those qualifications and your professional history. Over a nursing career exceeding 20 years, you had progressed to the senior position of Chief Nursing Officer. Dr Akinoshun submitted that this was highly relevant context when assessing whether an exceptionally fast examination performance was necessarily indicative of fraud.

Dr Akinoshun rejected the proposition that intelligence, professional knowledge and experience were unrelated to examination speed. He submitted that there was an obvious relationship between knowledge and the time required to answer questions. A candidate who was familiar with the subject matter and accustomed to undertaking the relevant calculations would generally be capable of answering questions more quickly than someone

encountering those concepts with less experience. Accordingly, he submitted that your professional background could not simply be disregarded when examining the significance of the 4.37-minute numeracy result.

Dr Akinoshun emphasised your particular experience in pharmacology and drug calculations. He submitted that your evidence demonstrated that medication calculations formed a regular part of your professional practice in Nigeria and were therefore skills which you had exercised repeatedly over many years. He drew the panel's attention to the documentary evidence concerning your academic performance in clinical pharmacology, where you had achieved a B2 grade, described as a very good result. That evidence, he submitted, objectively supported your assertion that pharmacology and numerical calculations were areas of particular strength.

Dr Akinoshun further submitted that your experience in clinical pharmacology and chemotherapy was particularly significant because chemotherapy nursing requires careful and accurate calculation of medication doses. Accuracy in such circumstances is critical and mistakes can have serious consequences for patients. Your experience within such an environment therefore demonstrated a level of familiarity and confidence with calculations which could reasonably have translated into faster performance in a numeracy-based CBT.

Dr Akinoshun submitted that your progression to Chief Nursing Officer was equally relevant. In that role you had substantial responsibilities and were required not only to apply your own clinical knowledge but also to teach, mentor and support other nurses. He argued that a nurse entrusted with the responsibility of educating and developing other practitioners could reasonably be expected to possess a high level of professional knowledge and competence. It would therefore be artificial, in his submission, to assess your test performance in precisely the same way as that of a newly qualified or comparatively inexperienced nurse without considering those differences.

He further submitted that your progression to such a senior position reflected attributes extending beyond technical competence. A Chief Nursing Officer was required to demonstrate professionalism, integrity, responsibility and trustworthiness. You had held senior positions over a lengthy career without evidence of dishonesty or professional

misconduct. Dr Akinoshun submitted that this history provided important character evidence when assessing the allegation that you had deliberately participated in examination fraud.

Dr Akinoshun also submitted that you had not been under compelling pressure to relocate to the United Kingdom or to pass the CBT at all costs. At the time, you had already reached a senior stage of your career in Nigeria. Your decision to pursue registration in the United Kingdom was motivated by a desire to take on a new professional challenge, broaden your experience and further develop your practice. Accordingly, he argued that the CBT could not reasonably be characterised as a "do-or-die" examination which you had an overwhelming motive to pass through fraudulent means.

Turning to your preparation, Dr Akinoshun submitted that you had described in detail the preparation undertaken before the CBT. You had reviewed substantial practice materials and familiarised yourself with the type of questions you expected to encounter. He submitted that the combination of extensive professional knowledge, familiarity with drug calculations, previous clinical experience and focused preparation provided a legitimate explanation for an exceptional numerical performance.

Dr Akinoshun acknowledged the NMC's evidence that the practice questions were not identical to the live examination questions. However, he submitted that this did not mean those materials were incapable of improving performance. Your evidence had been that some of the practice questions were similar in form and subject matter to the questions encountered during the examination. Familiarity with the structure of questions and repeated exposure to comparable calculations could reasonably increase both confidence and speed even if there were no identical questions. Accordingly, he submitted that the benefit derived from practice materials should not be dismissed merely because there was no verbatim overlap with the live examination.

Addressing your choice of examination centre, Dr Akinoshun submitted that there was no evidence before the panel establishing that you had deliberately selected Yunnik because fraudulent assistance was available there. You had explained that you resided in Osogbo, Osun State, where there was no available CBT centre, and that you therefore needed to travel elsewhere to sit the examination. There was no evidence presented by the NMC demonstrating the existence of an accessible CBT centre within Osogbo or elsewhere in

Osun State which you had deliberately bypassed. Against that background, he submitted that it was unfair to infer suspicious motivation simply because you had travelled to Ibadan and selected Yunnik.

Dr Akinoshun reminded the panel that your evidence was that you had selected the Yunnik test centre randomly from the available options. You had also provided evidence regarding the procedures you followed upon attending the centre, including the biometric process and your observations of the examination environment. Once again, he submitted that any difficulty recalling the precise physical arrangement of the centre had to be viewed against the fact that, in January 2022, you had no reason whatsoever to memorise those details.

Dr Akinoshun specifically addressed the NMC's reliance upon photographs purporting to show the interior of the Yunnik test centre. He submitted that those photographs dated from approximately 2016, some six years before you sat your examination in 2022. In his submission, it was inherently unsafe to use photographs taken six years previously as definitive evidence of the centre's physical layout on the date of your examination. The test centre could have been rearranged, renovated or altered during the intervening period. Accordingly, he invited the panel to attach little or no weight to any inconsistency between your recollection and photographs which were significantly out of date.

Dr Akinoshun reiterated that your evidence had remained clear on the central issue: you had completed the CBT independently, had not used a proxy and had not obtained your result fraudulently. Although there were peripheral matters you could no longer recall precisely, your position on the substantive allegation had remained consistent.

Dr Akinoshun also relied upon the fact that you subsequently retook the CBT in the United Kingdom, as required following the NMC's concerns, and passed it at the first attempt. He submitted that this demonstrated that you possessed the knowledge and competence necessary to pass the examination legitimately. He acknowledged that the NMC sought to place limited weight upon the subsequent test, but argued that it would be artificial entirely to disregard an examination which the NMC itself had required you to retake. In his submission, your successful resit provided relevant evidence that you were capable of meeting the required standard without fraudulent assistance.

Dr Akinoshun further drew attention to your current employment with Northamptonshire NHS Trust, where you were working as a care support worker pending resolution of your registration position. He relied upon the reference exhibited before the panel, in which a colleague or manager who had worked with you since May 2023 described you as consistently demonstrating the Trust's values of compassion, accountability, respect, integrity and courage. The reference further described you as professional, honest and committed to delivering safe, effective and compassionate care.

Dr Akinoshun submitted that the significance of that reference went beyond your competence in your present role. It represented contemporary and independent evidence from someone who had worked closely with you for approximately three years and was therefore in a position to speak directly to your honesty, integrity and professionalism. He argued that the reference corroborated your own evidence regarding the importance you placed upon honesty and integrity throughout your professional life.

Dr Akinoshun submitted that the NMC's approach of grouping candidates together primarily according to statistical completion times failed adequately to account for individual differences. In your case, more than two decades of nursing practice, extensive experience in medication calculations, senior management responsibilities, teaching and mentoring experience, academic achievement in pharmacology and significant examination preparation distinguished you from many other candidates. He argued that fairness required the panel to consider your case individually rather than assuming that because other candidates at Yunnik had admitted using proxies, you must also have done so.

He further submitted that the statistical evidence itself demonstrated that exceptionally fast legitimate test completion was possible. The relevant question was therefore not simply whether your time was unusual, because plainly it was, but whether the NMC had proved that the only reasonable explanation for that time was fraudulent assistance. Dr Akinoshun submitted that it had not. Your knowledge, experience, preparation and particular familiarity with drug calculations provided a credible alternative explanation.

Dr Akinoshun accepted that there was clear evidence of fraudulent activity at Yunnik and of proxy testers operating within the centre during the wider relevant period. However, he reiterated that the existence of widespread misconduct did not determine your individual

case. The NMC still carried the burden of establishing, on the balance of probabilities, that you personally participated in that fraud. Suspicion arising from the location of the examination and the speed of completion, however strong, could not substitute for proof relating specifically to you.

Dr Akinoshun invited the panel to consider what genuine motive you would have had to engage in examination fraud. You were already an experienced and senior nurse with more than 20 years of professional practice. You had reached the position of Chief Nursing Officer and were not under particular pressure to leave Nigeria or to obtain UK registration at any cost. You had extensive knowledge of the material being examined, particularly pharmacology and medication calculation, had prepared thoroughly and subsequently demonstrated your ability to pass the CBT independently in the United Kingdom. Taken together, he submitted that these factors were inconsistent with the proposition that you needed to rely upon a proxy tester.

Finally, Dr Akinoshun submitted that the evidence before the panel demonstrated that you remained capable of safe and effective nursing practice. He relied upon your extensive previous nursing career, your evidence during the hearing, your successful subsequent CBT, and the positive professional reference from your current employment. He further noted that your present employer had been supportive of your efforts to resolve the registration proceedings and that, should the appeal be allowed, there was employment available to you as a qualified nurse.

Accordingly, Dr Akinoshun submitted that the NMC had not discharged the burden of establishing, on the balance of probabilities, that you obtained your CBT result through fraudulent means. Whilst there was evidence of widespread fraud at the Yunnik test centre, there was insufficient evidence to establish that you personally participated in it. Your unusually fast test result was capable of explanation by reference to your extensive nursing experience, specialist knowledge of pharmacology and drug calculations, thorough preparation and individual ability. Any inconsistencies within your recollection were capable of being explained by the substantial passage of time and the fact that you had no reason in January 2022 to anticipate subsequent regulatory proceedings. Your subsequent successful CBT, extensive professional history and independent evidence of honesty,

integrity and safe practice further supported your case. Dr Akinoshun therefore invited the panel to allow your appeal and permit you to proceed with your application for registration.

Resumed hearing 7 August 2026

As your hearing did not conclude within the allotted time it was necessary for a further day to be allocated. Transcripts were supplied in respect of the first three days of the hearing.

Ms Olurcan, on behalf of the NMC, observed that a passage of evidence appeared to be missing from the first day. After checking into this matter the missing passage of evidence was found and supplied to the parties.

The legal assessor was invited to raise an issue that arose from the transcript from day 3. During Ms Muniya's closing submissions, a panel member had left their microphone on. As a result, the microphone picked up a number of things that she said. The word 'yeah' was mainly used.

As a matter of caution Ms Olurcan and Dr Akinoshun were afforded time to consider whether or not there was a possibility of bias.

When the hearing resumed the Ms Olurcan explained that the NMC's position was that it did not consider what had happened could be construed as apparent or actual bias. The words spoken were not said at a time when a particular submission had been concluded. The words used were usually during the middle of a submission. This could not be interpreted as bias.

Dr Akinoshun indicated that having discussed the matter with you he took no issue in respect of the content of the transcript.

The panel heard and accepted the advice of the legal assessor. The test for bias as set out in the case of *Porter v McGill* [2002] 2 AC 357 was :

'.....whether a "fair minded and informed observer", having considered the facts, would conclude that there was a "real possibility" of bias.'

The panel retired to consider this issue. The panel agreed with the NMC's position that a fair minded and informed observer would not form the view that there was actual or apparent bias simply because words were used during the course of the NMC's submission.

In light of that finding the panel determined to continue the case.

Panel's decision

In making its decision, the panel heard and accepted the advice of the legal assessor.

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 reminded itself that before considering your individual circumstances, it first had to determine whether the generic evidence established, on the balance of probabilities, that proxy testing and other fraudulent activity had been taking place at the Yunnik Centre during the relevant period. In reaching its conclusion, the panel considered the signed witness statement of Mr Bryan Friess together with the documents supporting his evidence, including the review of the test materials, the statistical analysis originally prepared by Mr Richard Steele and subsequently adopted by Mr Darren Richards, the candidate count summaries, the statements of Witnesses 1 and 2 and Sarah Kovach-Clark's evidence with summaries of admissions made by approximately 37 candidates concerning fraudulent activity at the Yunnik Centre.

The panel recognised that the witness statements and admissions represented evidence of the personal experiences of those individuals and were not direct evidence relating to your own CBT examination. The panel noted that there was no suggestion that either Witness 1, Witness 2 or any of the applicants who had provided admissions sat the examination on the same day as you. The panel therefore regarded this evidence as contextual, providing background information concerning the operation of the Yunnik Centre, rather than evidence proving your own involvement in fraud.

The panel attached significant weight to the statistical evidence. It accepted that the candidate count summaries demonstrated a marked increase in exceptionally fast CBT completion times during 2022 and that most of the fastest completion times recorded globally originated from the Yunnik Centre. The panel considered this pattern to be highly unusual and accepted that the concentration of such exceptionally fast results at a single

test centre was unlikely to have arisen by coincidence. It also accepted that the statistical analysis undertaken by Mr Richard Steele, as adopted and explained by Mr Darren Richards, provided robust support for the NMC's assertion that widespread proxy testing had occurred at the Yunnik Centre over a sustained period.

The panel carefully considered the concerns raised regarding aspects of the NMC's wider investigation, including that some admissions referring to technical issues had not been investigated, that certain aspects of the statistical data required further explanation, and that questions had been raised regarding the methodology used to identify red and green candidates. The panel accepted that these matters demonstrated that the investigation was not without imperfections. However, the panel reminded itself that its task was not to determine whether the investigation had been flawless, but whether the evidence before it was sufficient to establish the existence of widespread fraud. Having considered all of the evidence in the round, the panel concluded that any shortcomings in the wider investigation did not materially undermine the compelling body of generic evidence relied upon by the NMC.

Accordingly, the panel was satisfied, on the balance of probabilities, that there was sufficient evidence to establish that widespread proxy testing and fraudulent activity were occurring at the Yunnik Centre at the time you undertook your CBT examination.

The panel next considered whether it is more likely than not that you used a proxy test taker in obtaining a satisfactory test result from the Yunnik centre in Ibadan, Nigeria. In doing so, the panel reminded itself that the existence of widespread fraud at the Yunnik Centre did not automatically establish that you had personally engaged in dishonest conduct. The panel therefore considered all of the evidence relating specifically to your examination, together with your oral evidence and the explanations you advanced.

The panel accepted your explanation regarding your choice of the Yunnik Centre. You explained that there was no test centre within your own state and that the Yunnik Centre was the nearest and most convenient location available to you. The panel found this to be a plausible explanation and drew no adverse inference from your selection of the test centre.

The panel also accepted that you had prepared extensively for the CBT examination. It noted your evidence that you had enrolled with Able Business Solutions, attended tutorial classes, participated in study groups, practised using Pearson VUE materials and other revision resources, and regarded yourself as someone who always prepared diligently for examinations. The panel further accepted that you had an impressive professional background, having obtained a good university degree, undertaken specialist nursing and pharmacology training, and gained considerable experience in areas of nursing requiring frequent drug calculations. The panel accepted that these factors were capable of explaining why you would perform well in the numeracy examination.

However, the panel was not persuaded that these matters adequately explained the exceptional speed with which the numeracy examination had been completed. It noted that the study materials and preparation resources relied upon by you were available to candidates worldwide. The panel reasoned that, if such preparation alone were capable of producing completion times of the speed achieved in your case, similar exceptionally fast completion times would reasonably have been observed across many other testing centres globally rather than being concentrated at the Yunnik Centre.

The panel attached considerable weight to the objective statistical evidence relating specifically to your examination. It noted that your adjusted numeracy completion time was 4.37 minutes, representing one of the four fastest completion times recorded globally and giving rise to statistical odds of approximately one in 14,530.75. The panel also noted that no candidate elsewhere in Nigeria, outside the Yunnik Centre, had achieved a faster numeracy completion time. In the panel's judgment, this was highly significant evidence.

The panel further considered the detailed analysis undertaken by Mr Darren Richards. It found the sequencing analysis demonstrating that there was no overlap between the scoring elements of your examination and that of the immediately preceding candidate to be particularly compelling. The panel also attached weight to the evidence demonstrating that approximately two minutes and forty-five seconds were spent on the introductory screen before the scored element of your examination commenced. When considered together with the sequencing analysis, the panel concluded that this evidence was consistent with the possibility of a proxy test taker moving between candidates undertaking the numeracy examination.

The panel also noted that two candidates sitting examinations on the same day had numeracy completion times which fell within the NMC's statistical threshold for investigation. Whilst the panel accepted that there were differences between the individual completion times and recognised that the timing of individual questions naturally varied according to their complexity, it nevertheless considered that the occurrence of two exceptionally fast numeracy results at the same centre on the same day was a significant factor when viewed against the established background of widespread fraud.

The panel carefully evaluated your oral evidence. It accepted that the examination had taken place approximately four years previously and therefore attached limited weight to inconsistencies regarding the layout of the examination room or the location of other candidates. However, the panel found aspects of your evidence concerning the conduct of the examination itself to be less persuasive. In particular, it noted inconsistencies in your evidence regarding whether you reviewed your answers, whether you monitored the examination clock, and whether you spent time reading the introductory instructions. These explanations were difficult to reconcile with the objective examination data demonstrating the time spent on the introductory screen and the exceptional speed with which the examination was completed. The panel also considered that your evidence regarding your recollection of other candidates changed during the course of questioning, which reduced the weight it was able to attach to that aspect of your account.

The panel gave careful consideration to the submissions made on your behalf that there appeared to be little advantage to you in using a proxy solely for the numeracy component, particularly as your clinical completion time was not unusually fast and your professional background suggested that you were capable of passing the examination on your own merit. The panel accepted that these submissions raised legitimate questions and acknowledged that your subsequent professional career and nursing experience demonstrated that you possessed the necessary clinical knowledge. Nevertheless, the panel concluded that it could not speculate as to why an individual might choose to use, or become involved with, a proxy test taker. Its task was to determine what was more likely than not to have occurred on the evidence before it rather than to identify a motive.

Having weighed all of the evidence, the panel concluded that your explanations, whilst plausible in some respects, did not sufficiently undermine the NMC's evidence. The cumulative effect of the exceptionally fast numeracy completion time, the statistical rarity of that result, the sequencing analysis, the objective examination data and the established background of proxy testing at the Yunnik Centre persuaded the panel that it was more likely than not that you had obtained your numeracy CBT result through the use of a proxy test taker.

Finally, the panel went on to determine whether you meet the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character, in particular 'Factors that we take into account when considering character cases', 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 reminded itself that the relevant question was not whether you were clinically competent or capable of practising safely, but whether your conduct demonstrated the honesty, integrity and trustworthiness expected of those seeking admission to the nursing register. The panel accepted that you were currently employed as a Healthcare Support Worker and had produced a positive reference from your ward manager, dated July 2026, attesting to your professionalism, integrity and good performance in the workplace. The panel carefully considered this evidence and accepted that it reflected positively upon your conduct since arriving in the United Kingdom.

However, the panel concluded that the character assessment had to be considered in light of its earlier finding that, on the balance of probabilities, you had obtained your numeracy CBT result through the use of a proxy test taker. The panel considered that obtaining admission to the register by dishonest means would be fundamentally inconsistent with the standards of honesty and integrity expected of members of the nursing profession. The panel further noted that, throughout these proceedings, you had maintained that you had not used a proxy test taker. In light of its factual findings, the panel concluded that you had failed to provide a truthful account of the circumstances in which your CBT result had been obtained. The panel accepted the submission that, even if a proxy had not originally been sought by you, you would have been aware that your examination had not been completed

in the proper manner and had numerous opportunities to disclose this to the NMC. Instead, you continued to rely upon the CBT result when seeking admission to the register.

The panel acknowledged that there was no evidence before it that you had previously faced disciplinary action and accepted the positive evidence relating to your employment and professional conduct. Nevertheless, it concluded that these matters could not outweigh the seriousness of dishonestly obtaining a qualifying examination result. The panel was satisfied that such conduct represented a breach of the fundamental professional values of honesty and integrity and was incompatible with the character requirements expected of those seeking admission to the NMC register.

Accordingly, the panel was not satisfied that you had demonstrated that you met the character requirements for admission to the register.

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

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

This will be confirmed to you in writing.

That concludes this determination.