

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday, 14 April 2026 – Thursday, 16 April 2026**

Virtual Hearing

Name of Appellant: **Fidelia Otekpen Onalo**

Type of case: Registrations appeal

Panel members: Neil Calvert (Chair, Lay member)
Sandra Norburn (Lay member)
Nicola Harvey (Registrant member)

Legal Assessor: Joseph Magee

Hearings Coordinator: Max Buadi

Nursing and Midwifery Council: Represented by Mousumi Chowdhury, Case
Presenter

Ms Onalo: Present and represented by Himani Sharma,
(Equality 4 Black Nurses)

Decision: **Appeal dismissed**

Decision and reasons

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

This appeal was made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You appealed the decision of the Assistant Registrar, dated 28 May 2024, that you did not meet the character requirements for registration to the NMC register.

Background

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

Following completion of the NMC's initial investigation into this issue it concluded that there was evidence of widespread fraud at the Yunnik centre, where a large number of candidates had allegedly fraudulently obtained their CBT. The NMC asked Pearson VUE to provide it with assurance that the data concerning tests taken at Yunnik were accurate, and not the result of a system error, cyber-attack, or other technical issue. Pearson VUE confirmed that, following a detailed investigation into the testing facility at Yunnik and review of the data, Pearson VUE were satisfied that there was no evidence of system error, cyber-attack, or other technical error and that the data was indicative of one or more proxy 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 Brian Friess of 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.

The data in relation to your CBT shows that you achieved a pass in your tests in the following times:

- Numeracy: 2.17 Minutes (Time allocated for test: 30 minutes).
- Clinical: 4.78 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 alleges 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:

- Expert reports by Mr Steele Head of Data Analytics at OAC
- Witness statements of Brian Friess, Director of Information Security and Security Services at Pearson VUE
- Witness statements of Witness 6, Executive Director of Professional Practice at the NMC
- Witness statements of Witness 1 and Witness 2
- Other Test activity at Yunnik on the date you sat your test
- Your email dated 8 May 2024.

In your correspondence you stated that because you had passed a new CBT in Lagos, Nigeria, the results from Yunnik were no longer valid. You subsequently asked for your NMC PIN to be released so that you can proceed with your career.

The Assistant Registrar considered your explanation. The Assistant Registrar found that by passing the new CBT, you have demonstrated that you meet the standard of proficiency required for NMC registration. However, the Assistant Registrar was not satisfied that they had been presented with anything that changed the conclusion that you more likely than not obtained your CBT result fraudulently. The Assistant Registrar therefore determined that you did not meet the character requirements to be considered capable of safe and effective practice.

On 28 May 2024, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision on 28 May 2024, within the 28 day time limit.

NMC Opening Submissions

Ms Chowdhury, on behalf of the Nursing and Midwifery Council, provided the background to the case and referred the panel to the relevant documents within the bundle.

Ms Chowdhury submitted that it is the NMC's case is that it is highly improbable that you completed a test in such an exceptionally fast time. She submitted that the test time is explained by the use of a proficient human proxy tester.

Ms Chowdhury asked the panel to consider the likelihood of your time having been achieved honestly, given the endemic fraud that was occurring at Yunnik.

Evidence

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

- Witness 1: Band 5 nurse in the UK who provided her experience sitting an exam at Yunnik.

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

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

- Brian Friess: Director of Information Security and Security Services at Pearson VUE.
- Richard Steele: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.

You provided the panel with a “Position Statement” document to support this appeal.

The position statement asserts that you sat the CBT independently, without asking anyone to take the test on your behalf or receiving assistance during the exam.

It further states that you were unaware of any improper activity at Yunnik and felt surprised and confused when concerns were raised by the NMC. The statement explains that when required to re-sit the CBT, you did so successfully, as you wished to continue your application in an open and honest manner.

You maintain that you have never cheated in any examination and do not accept the allegation of dishonesty.

The statement concludes by inviting the panel to consider your appeal fairly, assess the case on its individual merits, and allow your appeal.

Before closing submissions Ms Sharma, on your behalf, confirmed that you do not have any witnesses to call to give evidence or any further evidence to put before the panel. You did not give oral evidence.

Closing submissions

Ms Chowdhury reminded the panel that the burden of proof is on the NMC to prove that your CBT was obtained fraudulently at Yunnik. She submitted that it is not necessary to know whether there were multiple proxy testers in the centre that day or just one. She submitted that the panel should not speculate about the reasons why you may have used a proxy. She also reminded the panel that it is not relevant to whether or not you are a competent nurse today.

Ms Chowdhury submitted that the important question for the panel is whether the CBT was obtained through fraud. She reminded the panel that nothing it had received from you outweighed the compelling evidence that you likely obtained your CBT result by fraud.

Ms Chowdhury reminded the panel of the generic evidence, provided by Witness 4, showing that there was widespread fraud occurring at the Yunnik test centre. She also reminded the panel of expert evidence provided by Witness 5 who provided the odds of achieving specific times. She submitted that Witness 5 provided histograms of both pooled and unpooled data, the number of test takers who completed their numeracy and clinical exams below a certain threshold. She submitted that his evidence shows that there was a significant difference in test times at the Yunnik centre compared to the global benchmark population and to other centres in Nigeria.

Ms Chowdhury submitted that the only sensible explanation for this unique data pattern is that fraud was occurring at Yunnik. She submitted that this conclusion is supported by the admissions of other test takers, namely Witness 1 and Witness 2. She submitted that

while this is hearsay evidence, she reminded the panel that they provide eyewitness evidence which corroborates the assessment from Witness 4 and Witness 5, that a proxy test taker was used at Yunnik. She submitted that they also illustrate how unlikely it was that these test times could be achieved without cheating.

Ms Chowdhury submitted that the specific evidence which shows that it is more likely than not that you used a proxy is the speed of completion of the tests and the high test scores. She reminded the panel that your test times are exceptionally fast compared to others undertaking the same test in the rest of the world.

Ms Chowdhury submitted that there is a lack of an explanation for why you finished the CBT so quickly. She reminded the panel that it had not heard any oral evidence from you. She further submitted that it had not received any information or evidence as to your education or your qualifications. She submitted that it was improbable that any honest test taker would complete the CBT test quickly. She submitted that an honest test taker would take time with their test and likely spend time reviewing their answers.

Ms Chowdhury reminded the panel that the CBT gives candidates three hours in total to complete both sections and you took 3 minutes for the numeracy section and 5 minutes on the clinical section.

Ms Chowdhury submitted that the generic, specific and live evidence all lead to the conclusion that it was more likely than not that the test was obtained through fraud. She invited the panel to dismiss the appeal and allow the decision of the assistant registrar to stand.

Ms Sharma reminded the panel that the burden of proof remains on the NMC throughout these proceedings to prove dishonesty on the balance of probabilities. She submitted that the question is whether, taking the evidence as a whole, the NMC has proved that you personally acted dishonestly.

Ms Sharma submitted that Yunnik may well have been a problematic centre and your timings may well have been unusual. She submitted that those matters may justify scrutiny, but scrutiny is not proof and concern, raised by the NMC, is not a finding of dishonesty.

Ms Sharma submitted that Mr Steele accepted that he did not observe you sit the test and his work depends on data supplied by Pearson VUE. She reminded the panel that he accepted that he did not independently inspect Yunnik Centre or its system and accepted that his evidence is statistical and inferential only.

Ms Sharma submitted that Mr Steele also accepted that the one in 2500 threshold is not proof of fraud, and that whether you acted dishonestly is a matter for this panel and not something statistics can determine on their own.

Ms Sharma submitted that Mr Friess made similar concessions. She submitted that he too did not observe you take the test. She submitted that there is no video, biometric session verification and there is no direct evidence linking you to a proxy.

Ms Sharma submitted that these are central weaknesses in the NMC's case. She submitted that direct evidence is not always required, and dishonesty can be proved by circumstantial evidence. She submitted that the circumstantial evidence must be strong and this is where the NMC's case falls short.

Ms Sharma submitted that the Yunnik centre looked statistically abnormal which is why you came under scrutiny. She submitted that it was not because there was direct evidence that you personally cheated.

Ms Sharma reminded the panel that Mr Steele's report does not determine regulatory action, does not determine guilt and it is not of itself a finding that you acted dishonestly.

With regard to timings, Ms Sharma accepted that they are very fast and it is right to say that it was unusual. She submitted that unusual is not the same as dishonest. She reminded the panel that Mr Steele accepted that unusual timing is not a proof of fraud. She submitted that the panel must be careful not to convert improbability into proof.

Ms Sharma submitted that the NMC's case effectively moves from statistical anomaly to an allegation of fraud without first establishing that fraud is a more likely explanation in the individual cases. She submitted that the absence of a detailed innocent explanation does not reverse the burden. She submitted that the NMC must prove fraud, it is not for you to disapprove it.

Ms Sharma submitted that you deny fraud. She submitted that you stated that you sat the test yourself, did not ask anyone to sit it for you, and reminded the panel that you complied, resat the CBT and also passed your Objective Structured Clinical Examination.

Ms Sharma submitted that the absence of live evidence does not lessen the burden on the NMC to prove dishonesty. She submitted that there is no wider pattern of dishonesty here.

Ms Sharma submitted that the NMC has shown that Yunnik was a problematic centre, and that your timings were unusual. She submitted that the NMC has not shown on the balance of probabilities that you acted dishonestly.

Ms Sharma invited the panel to allow the appeal and substitute the decision to admit you to the NMC register.

The panel accepted the advice of the legal assessor.

Panel's decision

In reaching its decision, the panel took into account all the oral and documentary evidence in this case, including the submissions of Ms Chowdhury, Ms Sharma and your "Position Statement".

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

The panel had regard to the Pearson VUE data and analysis provided by Mr Friess, including his identification of factors which indicated the likelihood that human proxies were being used, as well as Mr Steele's evidence, which included diagrams, tables, and graphs showing the time taken by more than 56,000 candidates globally, including candidates from other centres in Nigeria, to complete the CBT. The panel noted that this analysis identified patterns of unusually short completion times that were not observed at other testing centres, either nationally or globally.

The panel also took account of the evidence of Ms Everet and Ms Foster who confirmed that 16 individuals had admitted to using proxy test takers at the Yunnik Centre. It further

considered the witness statements of Witness 1 and Witness 2, both of whom described attending the centre and being pressured into using a proxy tester.

Having considered all of the evidence, the panel was satisfied, on the balance of probabilities, that there was sufficient evidence to establish that widespread fraud occurred at Yunnik.

The panel then considered whether it was more likely than not that you personally used a proxy test taker to obtain your result at the Yunnik Centre in Ibadan, Nigeria. In doing so, the panel took account of Mr Steele's addendum report, which included tables showing the cumulative number of candidates passing within specific timeframes.

The panel considered Mr Steele's analysis of your specific results, which assessed the likelihood of your completion times as follows:

*“Evaluated Clinical Timing: 4.78 minutes: Odds less likely than 1 in 56,478
Evaluated Numeracy Timing: 2.17: less likely than 1 in 58,123”*

The panel noted that you completed the clinical component in under five minutes. When placing your results in context, the panel noted that, outside of Yunnik, no candidate globally or within Nigeria completed the clinical component in under five minutes. In contrast, 25 candidates at Yunnik achieved this. Similarly, no candidate globally or within Nigeria completed the numeracy section in under three minutes, whereas 125 candidates at Yunnik did so. When compared to global data from approximately 56,000 candidates (excluding those who sat their test at Yunnick), your time was more than twice as fast as the fastest recorded candidate.

The panel took account of the “same day data” evidence provided by Mr Friess, which detailed activity at the test centre on 16 February 2023, the date of your first CBT attempt. The data showed that five other candidates took the test on that day. You began your test at 09:35, completing both sections of the CBT in a total of less than 8 minutes. Another candidate began at 10:00, and this candidate also both sections of the CBT in a total of approximately 8 minutes. A further candidate started at 09:11. Given that the CBT is expected to take up to three hours, at a centre which was known to have two computers

available for candidate use, the panel considered it unlikely that multiple candidates could have legitimately been scheduled to start and complete the test within such short intervals. It therefore concluded that, on the balance of probabilities, fraudulent activity was taking place at certain times.

The panel noted that you did not challenge this data through expert evidence. It also took into account that both Ms Chowdhury and Ms Sharma accepted that fraud had occurred at Yunnik.

The panel also considered that the “same day data” indicated that another candidate who began their test at 10:00 completed it as quickly as you did. The panel considered it inherently implausible that you could have been twice as fast as the fastest candidate in a global population of over 65,000 candidates, only for another candidate to complete the same test just as quickly less than an hour later at the same testing centre.

Further, the panel considered Mr Steele’s analysis of your interaction history, which showed the time spent on each question. In the clinical section, the longest time you spent on a single question was between 8 and 10 seconds. For approximately 75 questions, you spent between 2 and 4 seconds per question. The panel noted that some questions were lengthy and concluded that it was unlikely that a candidate could read, understand, and answer such questions within that timeframe.

The panel took into account your position statement, in which you denied any wrongdoing and stated that you completed the CBT independently. However, it found that you had not provided any supporting evidence to explain your unusually fast completion times, along with very high scores. In particular, you did not provide evidence of your academic ability, details of your preparation or revision, or any documentary evidence of the resources you used.

The panel reminded itself of the advice of the Legal Assessor, who referred to the case of *DK and RK v Secretary of State for the Home Department [2022] UKUT 112 (IAC)*, which was upheld and approved by the Court of Appeal in *SSHD v Akter [2022] 1 WLR 3868 and Ram v SSHD [2023] EWCA Civ 1323*. The panel noted the principle that generic evidence of proxy test taking, supported by data analysis identifying an individual, may be

sufficient to establish fraud on the balance of probabilities. While such evidence can be rebutted by credible evidence, a mere denial is unlikely to be sufficient.

The panel concluded that you had not provided any evidence capable of undermining the detailed and extensive evidence presented by the NMC. Your position amounted to a mere denial.

Taking into account the totality of the evidence, the panel determined that it was more likely than not that you obtained your CBT result fraudulently and dishonestly by using a proxy test taker at the Yunnik Centre on 16 February 2023.

Finally, the panel went on to determine whether you meet the character requirements for admission to the NMC register. It 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 noted that the burden rests on you to satisfy it that you meet the character requirements. It considered that honesty is one of the fundamental tenets of the nursing profession.

The panel observed that you had not provided any character references or supporting information. There was also no evidence regarding your preparation for the test or any explanation for your unusually rapid completion times. On the basis of the available evidence, the panel concluded that it was more likely than not that you obtained your CBT result fraudulently, demonstrating dishonesty. It therefore determined that you do not meet the character requirements for admission to the register.

In all the circumstances, the panel is not satisfied that you are of sufficiently good character to be admitted to the NMC register.

The panel therefore decided to dismiss your appeal.

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.