

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday 24 February – Wednesday 25 February 2026**

Virtual Hearing

Name of Appellant: Faith Oyebanji

NMC PIN: 1021576180

Type of case: Registrations appeal

Panel members: Katriona Crawley (Chair, lay member)
Helen Hughes (Registrant member)
Matthew Burton (Lay member)

Legal Assessor: Graeme Dalgleish

Hearings Coordinator: Rene Aktar

Nursing and Midwifery Council: Represented by David Frend, Case Presenter

Mrs Oyebanji: Present and represented by Catherine Collins,
Counsel

Decision: **Appeal dismissed**

Decision and reasons

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

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). You have appealed the decision of the Assistant Registrar, dated 5 December 2023 to refuse your application for NMC registration.

One of the requirements of registration is that an applicant must satisfy the Registrar that they are capable of safe and effective practice. The Assistant Registrar decided that you did not meet the character requirements for registration having concluded that it is more likely than not that your CBT result had been obtained fraudulently.

In reaching its decision, the panel considered all of the evidence in this case, as well as Mrs Collins submissions on your behalf, your written and oral evidence, and the submissions of Mr Frend on behalf of the NMC.

Background

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

The current CBT (CBT 2021), created on 2 August 2021, is split into two parts (Part A and Part B). Part A contains a numeracy test consisting of 15 short answer questions and lasts for up to 30 minutes. Part B is a clinical test consisting of 100 multiple-choice questions and lasts for up to 2 hours and 30 minutes. All questions are scored as either correct or incorrect.

Pearson VUE contracted with a third party, Yunnik Technologies Ltd, in relation to a Pearson VUE Authorised Test Centre (PVTC) in Ibadan (the Yunnik centre), Nigeria. This testing centre is where the concerns in this matter arise.

Pearson VUE has control over the technology, but the environment is owned/controlled by the test centre and personnel are test centre employees. PVTCs are contractually required to adhere to specific Pearson VUE standards for delivery and operations.

On March 2023, Pearson VUE identified that the Yunnik centre was delivering exams for multiple candidates who were completing the clinical part of the CBT in exceptionally quick times, although 2.5 hours is allowed for this part of the exam. The NMC was notified, and the Pearson VUE results team ran a report from January 2022, for all NMC exams that were delivered at the Yunnik centre.

Pearson VUE conducted an investigation into the Yunnik centre and identified testing anomalies. They found that the data set for the period between 15 March 2019 and 31 March 2023 indicated a specific pattern of potentially fraudulent behaviour. Pearson VUE asserted that this was likely to be linked to proficient proxy testing which was not present at other testing centres in Nigeria or globally. A proxy is a person who conducts the test in place of the candidate or assists the candidate, and neither is permitted.

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

On 3 August 2023 the NMC's Registrar decided to use as a benchmark the 1 in 2,500 percentile, in order to identify tests which were taken at such a speed that it is likely that the results had been fraudulently obtained (most likely utilising a proxy test taker). Applying this statistical threshold meant that for those individuals who sat CBT 2021, and who sat their Numeracy test in 5.5 minute or less, and/or their clinical test in 21.5 minute or less, the Registrar considered that the result was likely to have been obtained fraudulently.

The NMC's case is that the data in relation to your CBT shows that you achieved a pass in two separate tests in the following times:

- Numeracy: 2.78 Minutes (Time allocated for test: 30 minutes).
- Clinical: 7.2 Minutes (Time allocated for test: 150 minutes).

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

When considering your application to the register, the Assistant Registrar took into account information including those provided by Witness 1 and Witness 2, as well as your application to join the NMC register. You did not provide the Assistant Registrar with any comment on the evidence or additional information.

The Assistant Registrar refused your application on the grounds that you did not meet the character requirements to be considered capable of safe and effective practice. The Assistant Registrar found your conduct breached one of the fundamental requirements of the Code.

The Assistant Registrar referred to the background as follows:

“Following completion of our initial investigation into this issue we [the NMC] concluded that there was evidence of widespread fraud at the Yunnik centre, where we believe a large number of candidates fraudulently obtained their CBT.

Firstly, we asked Pearson VUE to provide us with assurance that the data concerning tests taken at Yunnik is 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, they 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.

We then asked an independent data analytics expert, Richard Steele of OAC Limited, to provide us 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.

We considered that OAC's analysis of the data supports Pearson VUE's conclusion that there's been widespread fraudulent activity at Yunnik probably through a proxy tester acting on behalf of test candidates. Using accepted data analytics methods, OAC estimated the probability that each applicant could have achieved their CBT pass within the time it took them to complete the test.

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

Numeracy: 2.78 minutes (Time allocated for test: 30 minutes)

Clinical: 7.20 Minutes (Time allocated for test: 150 minutes)

Comparing your times to complete your tests with times taken by candidates globally, it was considered very unlikely that you could have achieved a pass in your tests within the time it took you to complete them.

Taking into account the low time in which your tests were taken, in a centre in which we believe there to have been widespread fraudulent activity, it was considered to be more likely than not that your CBT result was obtained fraudulently, hence why your application was referred to me for a decision on whether in view of this concern, you met the character requirements for registration.”

The Assistant Registrar was not satisfied that she had been presented with anything to change the original conclusion of the Registrar that it was more likely than not that you obtained your CBT result fraudulently. She concluded:

“I consider that obtaining a CBT fraudulently to join the NMC register, falls well below the standard expected, raises serious concerns about your trustworthiness and has the potential to undermine public confidence in the profession. For these reasons, I’m not satisfied that you meet the character requirements for registration and as such, I’m refusing your application to join the NMC register.”

In January 2024, you appealed the decision of the Assistant Registrar in a Notice of Appeal.

Evidence

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

- Witness 1: Director of Information Security and Security Services at Pearson VUE
- Witness 2: NMC Expert Witness, Independent Data Analyst
- Witness 3: Employed by the NMC as the Executive Director of Professional Practice
- Witnesses 4 & 5: Registrants who have admitted to using proxy testers at Yunnik

Submissions

Mr Frend submitted that you had not met the NMC character requirements including standard 20 of the NMC Code, the promotion of professionalism and trust. He referred the panel to a number of witness statements, in particular, those of Witness 1 and Witness 2. He invited the panel to draw its attention to the evidence bundles including exhibits.

Mr Frend invited the panel to consider and review the histogram charts provided by Witness 2, the Expert Data Analyst. These show that Yunnik test times were some of the fastest times in the world.

Mr Frend submitted that those timings and figures are stark and startling and clearly demonstrate irregularities. He submitted that it is highly improbable that you completed your test in such an exceptionally fast time. Mr Frend submitted that this test time is likely explained by your use of a proficient proxy tester.

In addition, Mr Frend submitted that there were two other test takers on 22 December 2022 the day you sat the CBT, that were also suspected of fraudulently procuring their exam result by virtue of their exceptionally fast test times.

Mr Frend submitted that it is incredibly unlikely that any one person would get such a quick test time and is even more unlikely that three of the world's fastest test takers all sat the CBT exam at the same test centre on the same day.

Mr Frend submitted that in your witness statement, you stated that due to your practical experience and preparation as a nurse in Nigeria, you found that the test was easy. He referred to the practice material you have provided that submitted that this would have been widely available to all candidates globally. He referred to the admissions the NMC had received from candidates who accepted using a human proxy although he accepted that there were no such admissions for the day you sat the test.

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

Mrs Collins, on your behalf, submitted that your experience of the test centre was that of taking an ordinary test which you undertook yourself without any interference from any third-party. She submitted that you are someone who is of good character and that you are someone who is capable of safe and effective practice.

Mrs Collins invited the panel to factor in your experience as a nurse, both in the UK and in Nigeria. She submitted that the testimonials that you have provided, speak of your practice in Nigeria and as a pre-registered nurse in the UK.

Mrs Collins submitted that the only direct evidence comes from you. She submitted that there is no CCTV footage from Yunnik. She stated that Yunnik was an approved test centre and any security lapses were not within your control. Mrs Collins outlined the limitations of the desktop analysis undertaken by Witness 2. This witness accepted that his findings were data reliant and not based on qualitative information such as the background and employment history of an individual. She went on to submit that no analysis had been undertaken as to the travel by you to Yunnik and the NMC had not provided any information of any test centre that was closer to your home address.

Mrs Collins submitted that with regard to CBT testing, *"someone has to be the fastest"*. She referred the panel to the practice materials you had provided and submitted that this material was highly relevant and highly useful.

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

- Your CV
- Your certificate confirming your registration as a nurse in Nigeria in 2012
- Certificate confirming registration as an Accident and Emergency Nurse in 2020
- Seven testimonials
- Bundles of practice material that you had used

- Your statement in relation to your appeal

Your statement was accepted as your evidence in chief, and you gave evidence under affirmation.

You said that your school of nursing experience represented hard work, research, and studying, and that it was more complicated than the CBT. You took the panel through your character testimonials.

You referred to the practice material that you had used and said that the drug calculation document allowed you to learn how to convert from milligram to gram, from gram to milligram, microgram, and for medications and fluids. You said that this was useful material in relation to drug calculations and that it is straightforward.

You said that the questions in the test were pretty straightforward as you had been practising doing the questions daily, morning and night for two and a half months. You said that you would test yourself with self-scoring and timed yourself sometimes completing tests in 35 and 40 minutes. In answer to questions from Mr Frend, you confirmed that your nursing exam results were mainly C-grades and 2 B grades. You said they were good results but accepted that C was an average grade.

You said that you wanted to ensure that you were ready before taking the CBT and that you could put the best version of yourself forward. You repeated that you found the test very easy and that you did not need to waste time going through your answers as you had practiced the test for so long.

You said that you checked the Pearson Vue website for the test centre closest to you and that was Yunnik. You said that this was the reason why you chose this test centre. After giving evidence, you provided the panel with a copy of your CBT booking form.

You said that you could not accept that the test times provided by the NMC were correct. You had not noted the times yourself and there had not been any audit or investigation at Yunnik. You were very clear that the centre should have provided webcams and that if

such a camera had been provided, that would have provided the evidence as to what happened on the day.

You said that there was no interference with your test at the Yunnik centre and that the webcams were stipulated by Pearson Vue.

In your statement, you said, *"I would not cheat, and I did not cheat."* You reiterated this in your oral evidence.

The panel accepted the advice of the legal assessor. It was mindful of the legal position on generic evidence and the authority in *DK and RK v Secretary of State for Home Department* [2022] UK UT 112 (IAC). It was also mindful of the balance of probabilities, the hearsay evidence, and the NMC Guidance on health and character.

Panel's decision

In reaching its decision, the panel first considered whether it had sufficient evidence before it to substantiate the NMC's case that there was widespread fraud occurring at Yunnik at the time you completed your CBT. The panel found the evidence before it to be cogent and credible and noted the agreed facts including the investigation section.

The panel had sight of the Pearson VUE evidence from Witness 1 and the independent expert data analysis provided by Witness 2, including tables of data and graphs setting out the times taken globally and at other centres in Nigeria for candidates to complete the CBT. The panel noted the distinctly different time distribution plots across the globe when compared to the significantly faster times often achieved by candidates at Yunnik.

The panel had sight of statements and analysis provided by Witness 1 and Witness 2. The panel found that Witness 1's findings were supported by Witness 2's expert report. The panel noted that patterns were identified at Yunnik which were not found at other testing centres in Nigeria or globally and the fact that the number of very fast times at the test centre increased over time. The panel found the data likely to be indicative of the use of proxies in relation to the exceptionally fast results achieved at Yunnik.

Having considered all the evidence before it, the panel found it was compelling evidence based on extensive statistical analysis, anomalies, and patterns of likely fraudulent behaviour at Yunnik. This included:

- Unusually fast test completion times, suggesting interference and the use of proxies.
- Independent statistical analysis confirming statistically significant discrepancies between CBTs taken at Yunnik and those taken in the rest of Nigeria and globally.

The panel considered that the hearsay witness statements of Witnesses 4 and 5 did provide evidence that proxy activity had taken place at the Yunnik test centre during the broad period in question. The panel considered that although these do not provide direct evidence of the day you took your test at Yunnik, they do provide further evidence to support the proposition of the likelihood of fraudulent activity at Yunnik. The panel considered this material to carry some weight as it was consistent with and aligned with the data objective analysis.

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

The panel concluded it was highly improbable that three exceptionally fast test takers would have undertaken their CBT tests on the same day. Therefore, on the balance of probabilities, the panel found that it was more likely than not that there was fraudulent activity taking place at the Yunnik centre on the day you took the test.

The panel noted your evidence that you had studied very hard over the two-and-a-half-month period prior to the test and that there was likely to be similar or repeated material from the practice tests in the live questions on the day. However, the panel also considered that this material would have been freely available on the internet to all candidates globally.

The panel noted that in your oral evidence, you repeatedly stated that you said the test was easy and “*straightforward*”. The panel acknowledged your strong view that webcams should have been in operation during the day you took your test.

The panel considered your evidence with great care. However, it found that your explanation did not provide a sufficiently plausible account of the extremely rapid exam times recorded. Your test times did not fit with the global pattern of the times achieved by candidates. The probability of you achieving the numeracy test result was one in 58,000 and your probability in achieving the clinical test result was one in 56,478.

The panel did not find that your evidence provided a credible or plausible explanation for these results. The panel had already found that widespread fraud had occurred at Yunnik. Your result was faster than any other candidate in Nigeria or globally, excepting other results from Yunnik. The panel found it was highly improbable that you could have achieved these results without the assistance of a proxy despite your evidence of extensive preparation. Further, on a day when there were two other exceptionally fast test takers.

The panel therefore found that the NMC have proved, on the balance of probabilities, that you had been fraudulent in the way in which you had undertaken your CBT test.

The panel went on to determine whether you met the character requirements for admission to the NMC register. The panel had regard to the NMC guidance on health and character. The panel noted that it was for you to satisfy it that you meet the character requirements for successful admission on the register. The panel acknowledged the positive character references provided by your former colleagues and educators both in Nigeria and the UK. Prior to the Yunnik matter, it was clear that you were of good character and witnesses spoke to your integrity.

The panel took into account that this was an isolated incident. However, the panel considered that this was a very serious matter where it had found you to be dishonest. The panel has found that it is more likely than not that you fraudulently obtained the CBT results relied upon for your entry to the NMC register. This strikes at core professional duties of honesty and integrity and promoting professionalism and trust.

The panel considered that there was no insight, reflection, or mitigation, as the allegation of fraud was not accepted by you.

The panel, in reaching this decision, took into account the Guidance on health and character, specifically:

'136. The test of whether someone is of good character to be admitted to the register is a high one.

137. The Registrar will look at your application and the factors which will be taken into account are as follows:

- *Your age when the conduct took place.*
- *How long ago the conduct took place.*
- *Whether it was an isolated incident.*
- *Whether the incident(s) were linked to nursing or midwifery practice or employment. Whether the use of drugs or alcohol was a factor in the conduct.*
- *Reflection and insight about the conduct and obligations as a registered nurse, midwife or nursing associate.*
- *Personal mitigation.*
- *Any explanation offered for the conduct having occurred.'*

The panel therefore concluded that, in all the circumstances of your case, you have not demonstrated that you meet the character requirements for NMC registration. The panel therefore concluded that you fail to meet the essential requirements for registration and are not capable of safe and effective practice in the UK.

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

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

This will be confirmed to you in writing.

That concludes this determination.