

**Nursing and Midwifery Council  
Investigating Committee**

**Registration Appeal Hearing  
Tuesday, 10 March 2026 – Thursday, 12 March 2026  
Tuesday, 26 May 2026 – Thursday, 28 May 2026**

Virtual Hearing

**Name of Appellant:** Anushiem Chinyere Victoria

**PRN:** 1021981577

**Type of case:** Registrations appeal

**Panel members:** Katriona Crawley (Chair, Lay member)  
Naomi Smith (Registrant member)  
Dee Rogers (Lay member)

**Legal Assessor:** Nigel Ingram

**Hearings Coordinator:** Zahra Khan

**Nursing and Midwifery Council:** Represented by Tola Hassan, Case Presenter

**Ms Victoria:** Present and not represented at this hearing

**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 appealed the decision of the Assistant Registrar, dated 19 September 2023, that you did not meet the character requirements for registration to the NMC register.

## **Decision and reasons on application to admit hearsay evidence**

The panel heard an application made by Ms Hassan, on behalf of the Nursing and Midwifery Council (NMC), under Rule 31 to allow the written statements of Witness 1 and 2 to be admitted.

The panel accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that, so far as it is '*fair and relevant*', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings. The legal assessor referred to the cases, *Thorneycroft v NMC* [2014] EWHC 1565 (Admin) *Mansaray v Nursing and Midwifery Council* [2023] EWHC 730 (Admin).

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 could see no prejudice to you by allowing the witness statements into evidence. It noted that that Witness 1 and Witness 2's evidence 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 her specific case. The panel took into account that both statements corroborated the information already before it.

The panel considered that the witness statements of Witness 1 and Witness 2 were not the sole and decisive evidence in your case. It noted that you 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 had been given prior notice that these witnesses statements were to be read.

In these circumstances, the panel was 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 would 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 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), Witness 4, 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.

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

- Numeracy: 5.13 Minutes (Time allocated for test: 30 minutes).
- Clinical: 13.68 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.
- Assistant Registrar decision letter to you dated 29 April 2024.
- The 'evidence bundle' consisting of:
  - Expert reports by Witness 4, Head of Data Analytics at OAC

- Witness statements of Witness 5, 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 Registrant A and Registrant.
- Other test activity at Yunnik on 2 and 14 September 2022.
- CBT booking summary from Pearson VUE.
- Copy of your previous AR comments and CBT booking screenshot.

From you:

- Your statement and reflections sent by email on 4 September 2024.
- Character references.

In your correspondence you stated that you were not aware of any fraudulent activity at the Yunnik test centre.

It is your case that you chose to sit your CBT at the Yunnik test centre in Ibadan as that test centre was closest to where you were staying at the time.

The Assistant Registrar considered your explanation. The Assistant Registrar found that:

- There is evidence of widespread fraud at the Yunnik centre, where we believe a large number of candidates fraudulently obtained their CBT, probably by use of a proxy tester, where someone takes the test on behalf of someone else at the Yunnik centre.
- Your CBT is one of those which is more likely than not to have been obtained by fraud. Probably through use of a proxy tester.

In the view of the Assistant Registrar, you did not provide a sufficiently credible account of how you were able to obtain your test results from Yunnik in the time you did when comparing it against times taken by candidates globally. 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, having obtained your CBT result by fraud, you did not meet the character requirements to be considered capable of safe and effective practice.

On 19 September 2023, you were informed that the Assistant Registrar had refused your application onto the register. You appealed the decision within the 28-day time limit.

### **NMC witnesses**

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

- Witness 3: The Deputy Director for Business Transformation and a member of the NMC Executive Team for Professional Regulation.
- Witness 4: An independent Data Analyst who provided the NMC with an analysis of the data provided by Pearson VUE.
- Witness 5: 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:

- 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.
- Witness 6: Employed by the NMC as the Executive Director of Professional Practice.

### **NMC submissions**

Ms Hassan submitted that the panel had been reminded that your application for registration had been refused on two occasions because you did not meet the character requirements for registration. She submitted that the burden of proof rested on the NMC and that the standard of proof was the balance of probabilities. Ms Hassan adopted the written submissions from Rory Dunlop KC previously provided on behalf of the NMC and did not repeat them in full.

Ms Hassan submitted that it was not disputed that you had submitted a CBT result obtained on 14 September 2022 as part of your registration application. The issue for the panel was whether that CBT result had been fraudulently obtained.

Ms Hassan submitted that the NMC's generic and specific evidence demonstrated that your results were more likely than not obtained through fraud. She submitted that the exceptionally fast completion times, coupled with the high scores, same-day data, and admissions from other applicants, all supported that conclusion. Ms Hassan submitted that it was not necessary for the panel to determine the exact methodology of the fraud or speculate as to your motivation. The central issue was whether the test result itself had been fraudulently obtained.

Ms Hassan submitted that the generic evidence demonstrated widespread fraud at the Yunnik test centre. She referred the panel to the evidence of Witness 5 regarding the integrity and accuracy of the raw data and to the evidence of Witness 4 regarding the statistical analysis, odds calculations, and comparative global benchmark data. Ms Hassan submitted that the evidence showed a significant and unique pattern of

exceptionally fast completion times at Yunnik compared with other CBT centres worldwide, including the other centres in Ibadan. She submitted that the only sensible explanation for this data pattern was that fraud was occurring at the centre.

Ms Hassan submitted that the admissions made by other candidates and summarised within the witness evidence corroborated the conclusion that proxy testing was occurring at Yunnik, including through the use of human proxies.

Turning to the evidence relating to you, Ms Hassan submitted that your completion times were exceptionally fast. She submitted that you completed the clinical component in 13.68 minutes and the numeracy component in 5.13 minutes. Ms Hassan referred to the statistical evidence that the odds of achieving those times honestly were extremely low. She further submitted that the same-day data demonstrated that other candidates suspected of fraud also completed their tests in similarly exceptional times.

Ms Hassan submitted that you had provided inconsistent accounts regarding material aspects of your evidence. She submitted that you had initially stated that she booked the CBT yourself because Yunnik was the closest centre but later claimed that a friend had booked the test on your behalf. Ms Hassan submitted that these were entirely inconsistent accounts. She further submitted that you had also given differing explanations regarding the payments allegedly requested at the centre and inconsistent evidence regarding your ability to change the test location and date.

Ms Hassan submitted that the panel was entitled to conclude that these inconsistencies demonstrated a willingness on the part of you to adapt your account to suit your position. She invited the panel to consider the cumulative effect of those inconsistencies when assessing the reliability and credibility of your evidence overall.

Ms Hassan further submitted that your explanation for your fast completion times was not credible. She submitted that you had claimed that approximately 80% of the questions were repeated from materials circulated on WhatsApp and Telegram groups and from previous sittings. However, Ms Hassan submitted that this explanation was directly undermined by the evidence of Witness 5, who explained that the CBT system was specifically designed to randomise questions and prevent repeat exposure to the same questions.

Ms Hassan submitted that your comparison between yourself and a proxy tester did not assist your case. She submitted that the evidence demonstrated that experienced proxy testers acquire familiarity with the question pool through repeatedly sitting examinations on behalf of multiple candidates, which enabled them to complete tests at exceptional speed.

Ms Hassan submitted that the timing data and odds calculations had not been challenged and that the evidence demonstrated your completion times were exceptional both globally and nationally. She submitted that an honest test taker sitting such an important examination would ordinarily spend time carefully considering their answers rather than completing the examination at such exceptional speed.

In these circumstances, Ms Hassan submitted that the generic, specific, and live evidence all led to the same conclusion: that it was more likely than not that a proxy test taker had completed or assisted with your CBT examination. She submitted that, if the panel found that the CBT result had been fraudulently obtained, the appeal should be dismissed and the decision of the Assistant Registrar allowed to stand.

### **Your evidence**

You provided the panel with documentation to support this appeal including an email from a nurse who had assisted you with booking your CBT dated 26 May 2022 which states that:

*'I'm using this email to confirm that I assisted you with the payment of you nursing CBT exam and booking of the exam.*

*I can also confirm that we have a study group for the NMC CBT exam and there are past questions that is posted on the group to help nurses with reading for the exams'.*

You gave evidence under affirmation. You told the panel that you first attended the Yunnik test centre on 2 September 2022, but your test was incomplete due to technical issues following a power outage. You said the centre was difficult to locate and that you arrived

shortly before the scheduled start time. You described the premises as appearing unprofessional and said there were two men and a woman present, including a man referred to as 'Baba'.

You told the panel that, on arrival, you were asked to pay 10,000 Naira for maintenance and fuel before the centre would process your identity checks. You said you had not expected to make any further payment, but paid because you were told you would not otherwise be able to sit the test.

You said that, during the test, a young man approached you and offered to help you complete the test more quickly if you paid a further 10,000 Naira. You said you refused and told him that you had not come that far for someone else to write your test.

You told the panel that, shortly afterwards, the power went off and your computer shut down. You said attempts were made to log you back into the system, but these were unsuccessful. You said you made calls to resolve the issue and were eventually told that your test would be rescheduled without you having to pay again. You said you left the centre later that day and could not recall the exact time.

You told the panel that you returned to the same centre on 14 September 2022 to resit the CBT. You said a potential UK sponsor had given you a short timeframe to obtain your CBT pass. [PRIVATE].

You told the panel that, on the second occasion, nobody approached you for money or offered you assistance. You said there were two other candidates present and that they appeared to be sitting examinations. You said you completed the test yourself, submitted it, waited for your result to be printed, and then left the centre with [PRIVATE]. You said you did not know the exact time you left, but it was in the afternoon.

You told the panel that you prepared thoroughly for the CBT. You said you used practice questions from Pearson VUE, WhatsApp groups and Telegram groups, including groups where past CBT questions were shared. You said many of the questions were familiar to you and that the numeracy questions followed similar methods with different figures. You also said the physical calculator provided at the centre made the numeracy section quicker than using the calculator on the computer.

You told the panel that you did not act fraudulently, did not ask anyone to complete the test for you, and did not receive assistance during the test on 14 September 2022. You said that, if a proxy tester could complete a test quickly, you believed an ordinary candidate could also do so, particularly where they were familiar with the questions and well prepared.

You also told the panel about your nursing background. You explained that you had originally studied public health before pursuing nursing, that you obtained a scholarship to study nursing, and that you had held leadership roles at university, including vice president of the nursing department. You said you had always wanted to progress in nursing and register internationally, including in the UK.

You told the panel that you considered yourself academically capable and that fraud was inconsistent with your character and background. You said you had been involved in opposing malpractice during your studies and that those who knew you did not consider the allegations to be consistent with who you are.

The panel also heard and took into account the positive character evidence provided on your behalf, including from your current employer and the current president of your nursing school, the written references and oral evidence from witnesses who spoke highly of your integrity and professionalism.

### **Panel's decision**

The panel accepted the advice of the legal assessor and the guidance given to regulatory panels by the High Court in *Dutta v GMS* [2020] EWHC 1974 (Admin) and *Khan v GMC* [2021] EWHC 374 (Admin).

*'In any approach to the fact finding stage care must be taken to avoid considering each part of the evidence in isolation. Consider the reliability of the evidence as a global picture and not in isolation.*

*Witness evidence is one part of the evidence. It is rare when it is the only element. Objective evidence, for example contemporaneous documents, should be considered first.*

*The confident delivery and demeanour of a witness' evidence is not a reliable guide to whether it is the truth. So, the important question is whether the witness is reliable and whether they are credible'.*

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

The panel had sight of the analysis provided by Witness 4 and Witness 5's data, including diagrams evidencing the time taken globally, including at other centres in Nigeria, to complete the CBT compared to the times achieved at the Yunnik Centre.

The panel also considered the evidence of Witness 3 that, to date, numerous individuals had admitted to using a proxy tester at the Yunnik Centre. The panel further considered the accounts summarised by Witness 3, together with the witness statements of Witness 1 and Witness 2, both of whom described attending the Yunnik Centre and being pressured into using a proxy tester.

The panel also considered your own account of being approached and asked for money in exchange for assistance from a proxy test taker on 2 September 2022.

Having considered all of the evidence before it, including the statistical evidence, witness evidence, and admissions from other candidates, the panel was satisfied that there was sufficient evidence to support the conclusion that widespread fraud was occurring at the Yunnik Centre.

The panel next considered whether it was more likely than not that you used a proxy test taker in obtaining a satisfactory CBT result from the Yunnik Centre in Ibadan, Nigeria.

The panel carefully considered your oral evidence and the documentation you provided. The panel acknowledged that there was no direct evidence demonstrating that you personally used a proxy tester. The panel also accepted that aspects of your account were supported by independent evidence, including the evidence that your first CBT sitting on 2 September 2022 was interrupted due to technical issues and subsequently rescheduled.

The panel considered your explanation as to why you selected the Yunnik Centre, namely that it was the closest available centre to your location at the time and that this was supported by your witness evidence.

However, the panel was concerned that, having been offered the services of a proxy tester at that centre on 2 September 2022, you then chose firstly to return to the same centre on 14 September 2022 to resit the test and failed to report the centre's malpractice.

The panel took into account that [PRIVATE], the need to complete the CBT within a short timeframe to secure employment in the United Kingdom.

The panel gave considerable weight to Witness 4's analysis of your specific data, including the statistical probability of achieving your completion times honestly. The panel noted that the analysis identified that, as a result of your exceptionally fast test times, it was highly likely that you had used a proxy tester at the Yunnik Centre.

- Evaluated clinical timing: 13.68 Minutes: (Odds 1 in 28,239).
- Evaluated numeracy timing: 5.13 Minutes: (Odds 1 in 3,632.69).

The panel noted the evidence relating to the same-day data and that there were two other candidates who completed their examinations in unusually quick times on the same day that you sat your CBT on 14 September 2022. The panel considered that this fortified the concerns regarding the use of proxy testers at the centre on 14 September 2022 a service that had been previously been offered to you by your own admission.

The panel noted that you repeatedly denied receiving assistance during your CBT on 14 September 2022. The panel also took account of the character evidence provided on your behalf, including the oral evidence from witnesses who spoke positively of your character and integrity.

The panel considered there to be a significant inconsistency in your accounts relating to your [PRIVATE] arrangements. You said that you completed your test quickly as you did not want [PRIVATE] to disturb the other two test takers. However, in your written evidence

provided to the NMC in support of your application for registration, you stated that [PRIVATE]. In your oral evidence before this panel you stated that [PRIVATE].

The panel placed significant weight on the exceptionally fast completion times achieved during your CBT, particularly when viewed alongside the statistical analysis, the same-day data, and the evidence it had accepted of widespread fraud occurring at the Yunnik Centre.

The panel carefully considered your explanation that you were able to complete the examination quickly because you had prepared extensively, were familiar with the style of the questions from practice materials and online groups, and wished to complete the examination quickly so as not to disturb the other candidates whilst attending with [PRIVATE]. The panel also considered your explanation regarding the use of a physical calculator during the numeracy section.

However, the panel was not persuaded that these explanations adequately accounted for the exceptionally fast completion times achieved, particularly when compared against the global benchmark data and the evidence relating to widespread proxy testing at the Yunnik Centre. The panel also noted the evidence of Witness 4 that outliers can exist, but concluded that, in the circumstances of this case, the statistical probabilities remained highly significant. Globally, there were only two candidates that achieved times for the clinical part of the test in less than 14 minutes, compared to 517 at the Yunnik centre.

The panel considered the cumulative effect of the circumstantial and contextual evidence before it. Whilst the panel accepted that there was no direct evidence of proxy use and that you had provided a detailed narrative account of your experiences, the panel ultimately concluded that the NMC had discharged the burden of proof. The panel determined that it was more likely than not that you used a proxy test taker or received assistance from a proxy in order to obtain your CBT result fraudulently.

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 to the register.

However, the panel determined that, in light of its finding that it was more likely than not that you had obtained your CBT result fraudulently through the use of a proxy test taker or proxy assistance, you had acted dishonestly in relation to your application for registration. The panel considered that, despite your positive character references, dishonesty of this nature fundamentally undermines the trust and integrity expected of a registered nurse.

The panel therefore concluded that you had failed to satisfy the panel that you met the character requirements for admission to the NMC 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.