

**Nursing and Midwifery Council
Investigating Committee**

**Fraudulent/Incorrect Entry Meeting
Tuesday, 2 July 2024**

Virtual Meeting

Name of Registrant: Anuluwapo Aderonke Afolabi

NMC PIN 23F12690

Part(s) of the register: Registered Nurse Mental Health

Relevant Location: Coventry

Type of case: Incorrect/Fraudulent entry

Panel members: Jill Robinson (Chair, Registrant member)
Naomi Smith (Registrant member)
Danielle Sherman (Lay member)

Legal Assessor: Andrew Reid

Hearings Coordinator: Tyrena Agyemang

Ms Afolabi: Not Present and unrepresented

Outcome: **Charges proved, Registration entry
incorrectly and fraudulently made**

Direction: **Entry to be removed from the register**

Interim Order: **Interim Suspension order (18 months)**

Service of Notice of Meeting

The panel noted that notice of this meeting was sent to Ms Afolabi's registered email address by secure email on 20 May 2024.

The notice of meeting informed Ms Afolabi that a meeting would be held on or after 25 June 2024, the charges against her, and enclosed a bundle of evidence that the panel would consider. It also informed her that if she wished to provide a written response, she should do so no later than 25 June 2024. The panel noted that no written responses had been provided by Ms Afolabi to the notice of this meeting.

The panel accepted the advice of the legal assessor.

In the light of the information available, the panel was satisfied that reasonable notice of this meeting has been served in compliance and accordance with Rules 5 and 34 of the Rules.

Details of charge

"That you,

1- On 30 September 2022, as part of your application to join the NMC register, submitted or caused to be submitted an IELTS certificate which was not authentic.

2- At the time you submitted or caused to be submitted the information mentioned above at charge 1, you knew or believed that the information was not genuine and you submitted or caused to be submitted that information with an intention to mislead anyone considering your application to join the NMC register

3- As a consequence of submitting or causing to be submitted the information mentioned above at charge 1, you were able to join the NMC register.

And thereby an entry on sub-part 1 of the NMC register in the name of Ms Anuoluwapo Aderonke Afolabi, PIN 23F12690 was fraudulently procured / incorrectly made."

Background

Ms Afolabi submitted her online registration application to join the NMC register on 30 September 2022, and subsequently entered the register on 14 June 2023.

On 12 May 2023, Ms Afolabi submitted an International English Language Testing System (IELTS) Test Result Form (TRF) dated 4 May 2023 in support of her registration application following a request for further information from an NMC International Assessment Officer.

On 7 June 2023, the International Assessment Officer attempted to verify the TRF results on the IELTS verification portal but was unable to do so. As a result, they contacted the IELTS verification team on the same date, asking to verify the validity of the results of the TRF.

The International Assessment Officer subsequently checked the TRF results again on the IELTS verification portal and was able to verify the results confirming that Ms Afolabi had met our required scores in each area of the IELTS.

The International Assessment Officer accepted Ms Afolabi's application for registration on 14 June 2023.

On 16 June 2023, the International Assessment Officer received a response from the IELTS verification team who informed the NMC that the results associated to the TRF were fraudulent. The International Assessment Officer contacted the IELTS Verification Team on 16 June 2023, asking to check the TRF again, as they were able to verify the test results previously. The IELTS Verification Team provided a response on 19 June 2023, confirming that the results of the TRF were cancelled post release on 16 June 2023 due to candidate malpractice. Following the result cancellation, the TRF results could no longer be viewed on the IELTS verification portal.

The IDP IELTS Verification Team carried out further checks and confirmed that the TRF is a fraudulent document because an imposter sat the test. The IDP IELTS Verification Team checked Ms Afolabi's history and found that the photos of previous tests did not match with the test day photo from that particular TRF, concluding that different individuals sat the tests under the same name and ID number.

A Senior International Assessment Officer employed by the NMC has provided evidence confirming that if the NMC were aware that either the TRF or any other documentation that Ms Afolabi submitted in support of her registration application was fraudulent, Ms Afolabi would not have been granted entry on the register.

Decision and reasons on the facts

At the outset of the hearing, the panel had regard to Ms Afolabi's completed Standard Directions Form and to her letter dated 24 April 2024, which informed the panel that Ms Afolabi had made full admissions to charges 1, 2 and 3.

The panel therefore finds charges 1, 2 and 3 proved in their entirety, by way of Ms Afolabi's admissions.

Decision on Incorrect/Fraudulent Entry

The panel decided based on all in the evidence before it that in respect of each charge, the entry on the register in Ms Afolabi's name was incorrectly made and fraudulently procured.

The panel accepted the advice of the legal assessor and had careful regard to the NMC guidance document "*Fraudulent or Incorrect Entry to the Register*" which states:

"Someone's entry onto the register might be incorrect if our decision to register, renew or readmit them onto the register was based on wrong or inaccurate information about them meeting the relevant requirements.

An entry on the register is fraudulently procured if... was obtained or created by fraud..."

"An allegation that an entry has been fraudulently procured will always involve an element of dishonesty either by the nurse, midwife or nursing associate, or a third party."

The panel had regard to Ms Afolabi's completed Standard Directions Form in which she admitted that her entry on the register was incorrectly made and fraudulently procured. It also had regard to Ms Afolabi's letter dated 24 April 2024 in which she outlined her difficult personal circumstances and the events that led to the charges found proved. The letter stated:

"...I was facing lots of pressure both at home and at work, I took the coward way out by allowing someone sit for my 3RD IELTS."

The panel therefore found that the entry on Sub Part 1 (part of register) of the NMC register in the name of Anuoluwapo Aderonke Afolabi, PIN 23F1269O was incorrectly made and fraudulently procured.

Decision and reasons on direction

The panel went on to decide what direction, if any, to make under Article 26(7) of the 'Nursing and Midwifery Order 2001' (the Order).

Article 26(7) states:

'...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.'

The panel heard and accepted the advice of the legal assessor. It had careful regard to the NMC's guidance document "*Available Orders for Fraudulent or Incorrect Entry*".

The panel considered that, having found that Ms Afolabi's entry on the NMC register was incorrectly made and fraudulently procured, it would be inappropriate to take no action.

The panel also considered that an amendment was not appropriate in this case because, there is no amendment that could be made to correct the entry.

The panel took into account Ms Afolabi's circumstances at the time. However, in all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove Ms Afolabi's entry from the register. The panel reached this decision because:

- Ms Afolabi's application was supported by deliberately misleading and false information;
- Members of the public should be able to trust that NMC registrants are entitled to practise as registered professionals;
- Ms Afolabi cannot continue to be registered at this time without undermining the public's trust in the accuracy of the NMC register; and
- The fraud in this case was perpetrated by Ms Afolabi in conjunction with a third party.

Ms Afolabi will be notified of the panel's decision in writing. Ms Afolabi has the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the 28-day appeal period or, if an appeal is made, before the appeal has been concluded.

Decision and reasons on interim order

Having directed that the Registrar remove Ms Afolabi's entry from the register, the panel then considered whether an interim order was required under Article 26(11) of the Order, in relation to the appeal period.

The panel heard and accepted the advice of the legal assessor.

The panel noted that the interim suspension order imposed on Ms Afolabi's registration on 14 July 2023, will lapse by reason of this panel's substantive order. The panel decided to impose an interim order to protect the integrity of the NMC Register for the period of time before which the substantive order would come into effect.

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove Ms Afolabi's entry from the Register. It also had regard to the NMC's published Guidance on Fraudulent and incorrect entry cases. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's discretion in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's Guidance on interim orders.

The panel first considered whether to impose an interim conditions of practice order. It determined that an interim conditions of practice order was not workable or appropriate in this case. Accordingly, the panel determined that an interim suspension order was in the public interest to protect the integrity of the NMC Register.

The panel decided to make this interim suspension order for 18 months to allow for the possibility of an appeal to be made and determined.

If no appeal is made then the interim order will lapse upon the removal of Ms Afolabi's entry in the Register 28 days after she is sent the decision of this hearing in writing.

That concludes this determination.