

**Nursing and Midwifery Council  
Investigating Committee**

**Fraudulent/Incorrect Entry Meeting  
Monday 18 November 2024**

Nursing and Midwifery Council  
2 Stratford Place, Montfichet Road, London, E20 1EJ

**Name of Registrant:** Iwalola Oluyemi

**NMC PIN** 23C1858O

**Part(s) of the register:** Registered Nurse – Adult Nursing

**Relevant Location:** England

**Type of case:** Incorrect/Fraudulent entry

**Panel members:** Godfried Attafua (Chair, Registrant member)  
Hazel Wilford (Lay member)  
Kathryn Evans (Registrant member)

**Legal Assessor:** Nigel Ingram

**Hearings Coordinator:** Sophie Cubillo-Barsi

**Outcome:** **Registration entry fraudulently made**

**Direction:** **The panel directs the Registrar to remove Miss Oluyemi’s entry on the register in accordance with Article 26 (7) of the Order**

**Direction:** **Interim suspension order (18 months)**

## **Service of Notice of Meeting**

The panel noted that notice of this meeting was sent to Miss Oluyemi's registered email address by secure email on 18 October 2024.

The notice of meeting informed Miss Oluyemi that a meeting would be held on 18 November 2024, the charges against her, and enclosed a bundle of evidence that the panel would consider. It also informed Miss Oluyemi that if she wished to provide a written response, she should do so no later than 17 November 2024. The panel noted that no written responses had been provided by Miss Oluyemi prior 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 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

## **Details of charge**

That you, as part of your application to join the NMC register:

1. Submitted or caused to be submitted, a Computer Based Test result, obtained at Yunnik Technologies Limited test centre (the test centre) on 26 March 2022, that:

a. had been obtained through fraud;

And / or, in the alternative,

b. was subsequently invalidated by the NMC due to concerns about the manner in which tests were being conducted at the test centre.

And, in light of the above, your entry on the NMC register, in the name of Iwalola Oluyemi, PIN 23C1858O, was fraudulently procured and incorrectly made with regard to charge 1a and charge 1b or, incorrectly made with regard to charge 1b only.

## **Background**

Pearson VUE have a contract with the NMC as their Computer Based Test (“CBT”) provider which has been in place since 2014. 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 30 minutes. Part B is a clinical test consisting of 100 multiple-choice questions and lasts for 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 PVTC in Ibadan (“the testing centre”), Nigeria. This testing centre is where the concerns in this matter relate.

On 15 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 10 minutes (2.5 hours is allowed for this part of the exam). The number of candidates was initially unknown.

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 in 20 minutes or under. This report identified a suspicious level of activity.

Pearson Vue conducted an investigation and found that the data set for the period between 15 March 2019 and 31 March 2023 indicated a specific pattern of probable fraudulent behaviour, likely to be proficient proxy testing, which was not present in other test centres globally.

The investigation also concluded that there was no technical error, cyber security or power outage issues at the Yunnik centre that had led to the data set and that human interference was involved.

The NMC commissioned a report from Witness 1, instructed as an independent expert to analyse and report on data provided by the NMC. He reached essentially the same conclusion, namely, that there were a significant number of exceptionally quick test times at Yunnik, compared to global averages.

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 they were conducted using fraud (most likely a proxy test taker).

Because of the evidence of widespread fraudulent activity at the Yunnik centre, the NMC were unable to be confident in any of the CBT results obtained at the Yunnik centre. The Registrar therefore considered all CBT results obtained there to be invalid and that the safest, fairest, and most proportionate way to deal with this was to ask everyone who sat their CBT at the Yunnik centre, to take a new CBT. In the absence of a valid CBT an individual should not have been allowed entry to the NMC register.

On 26 March 2022, Miss Oluyemi completed the CBT Test at the Yunnik centre. According to the data, Miss Oluyemi completed the numeracy test in 3.77 minutes and the clinical test in 12.57 minutes. It is the NMC's case that the reason Miss Oluyemi was able to complete the test so quickly was that it was undertaken using fraud.

### **Decision and reasons on the facts**

In reaching its decisions on facts, the panel took into account all the documentary evidence in this case together with the written submissions provided by the Nursing and Midwifery Council (NMC).

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will

be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

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

**Charge 1 a) and b)**

That you, as part of your application to join the NMC register:

1.Submitted or caused to be submitted, a Computer Based Test result, obtained at Yunnik Technologies Limited test centre (the test centre) on 26 March 2022,that:

a. had been obtained through fraud;

And / or, in the alternative,

b. was subsequently invalidated by the NMC due to concerns about the manner in which tests were being conducted at the test centre.

And, in light of the above, your entry on the NMC register, in the name of Iwalola Oluyemi, PIN 23C1858O, was fraudulently procured and incorrectly made with regard to charge 1a and charge 1b or, incorrectly made with regard to charge 1b only.

**This charge is found proved.**

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 considered the witness statements of both Witness 3 and Witness 4, who describe attending for the CBT at the Yunnik Centre and subsequently being pressured into using a proxy tester. It is the evidence of Witness 5 that so far, 16 individuals have come forward and made admissions to using a proxy tester at the Yunnik Centre. 14 of those individuals remain anonymous. Additionally, the panel had before it the data from Pearson Vue with regards to the times taken to complete the CBT at the Yunnik Centre. It

is the evidence of Witness 2 that the data obtained is 100% accurate. The panel also had sight of the analysis of the data, provided by Witness 1, including diagrams which evidence the time taken globally, including other centres in Nigeria, to complete the CBT, compared to the times achieved at the Yunnik Centre. This analysis identifies that completing the CBT in times such as those obtained by Miss Oluyemi, indicates that the results were most likely to have been obtained fraudulently and fall within the 1:2,500 percentile. In light of all of the above information, the panel was satisfied that there is evidence before it to support the fact that wide spread fraud occurred at the Yunnik Centre.

The panel next considered whether Miss Oluyemi had indeed obtained her CBT result through fraud.

The panel noted that since being informed of the allegations, Miss Oluyemi has not engaged with the NMC. The panel had no explanation from Miss Oluyemi as to why she chose the Yunnik Centre to take her CBT, nor did it have any indication as to Miss Oluyemi's proximity to the Yunnik Centre. Further, the panel had no information from Miss Oluyemi as to the fee she paid in order to complete the CBT and did not have before it any suggestion that she has since resat the CBT and any relevant results obtained. Miss Oluyemi has failed to provide any explanation as to the exceptionally short period of time it took her to complete the CBT at the Yunnik Centre and has not provided any submissions to rebut the evidence produced by the NMC, despite several attempts to contact her including May 2023, September 2023, November 2023 and October 2024.

In light of the information before it and Miss Oluyemi's lack of response to the allegation, the panel was satisfied on the balance of probabilities that Miss Oluyemi did, as part of her application to join the NMC register, submit a CBT result obtained at the Yunnik Centre on 26 March 2022, that had been obtained through fraud. Those results were subsequently invalidated by the NMC.

The panel therefore find this charge proved in its entirety.

## **Decision on Fraudulent Entry**

The panel decided, for the above reasons, that in respect of the charge the entry on the register in Miss Oluyemi's name was fraudulently procured.

The panel accepted the advice of the legal assessor who referred it to the case of *Ivey v Genting Casinos* [2017] UKSC 67, in which Lord Hughes stated:

*'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'*

The panel bore in mind that for an entry to be fraudulent there must have been a deliberate attempt to mislead whereas an incorrect entry involves a mistake or genuine error.

The panel therefore found that Miss Oluyemi's entry on the NMC register, in the name of Iwalola Oluyemi, PIN 23C1858O, was fraudulently procured.

## **Decision and reasons on direction**

The panel next 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.

The panel considered that, having found that Miss Oluyemi’s entry on the NMC register was fraudulently procured, it would be inappropriate to take no action. The finding of a fraudulently procured entry to the NMC register is a serious matter, and the panel considered that to take no action in the circumstances was wholly inadequate. The panel also considered that an amendment was not appropriate in this case because it was not just a matter of Miss Oluyemi having made an error in her application.

The panel considered that, in light of its finding that Miss Oluyemi’s entry to the NMC register had been fraudulently procured, the only appropriate action is to direct that her entry be removed. The panel recognised the importance of protecting the public and maintaining the integrity of the NMC register and public confidence in the profession. It considered that the public would be shocked to discover a person had secured entry onto the NMC register by way of fraudulent activity and would expect action to be taken.

The panel therefore directs that the NMC Registrar remove Miss Oluyemi’s entry from the register in accordance with Article 26(7) of the Order.

Miss Oluyemi will be notified of the panel’s decision in writing. Miss Oluyemi 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 Miss Oluyemi’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 legal assessor's advice.

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 Miss Oluyemi'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 reputation of the profession and the NMC as its regulator. Not to make an interim suspension order would be inconsistent with the panel's earlier findings.

The period of this order is 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 Miss Oluyemi's entry in the Register 28 days after she is sent the decision of this hearing in writing.

That concludes this determination.