

**Nursing and Midwifery Council  
Investigating Committee**

**Incorrect/Fraudulent Entry Hearing  
Tuesday 19 March 2024**

Virtual Hearing

**Name of Registrant:** **Chioma Vivian Igweilo**

**NMC PIN** 21G06180

**Part(s) of the register:** Sub-Part 1  
Registered Nurse – Mental Health

**Relevant Location:** Nigeria

**Type of case:** Fraudulent entry

**Panel members:** Michael McCulley (Chair, Lay member)  
Carole Panteli (Registrant member)  
Cheryl Hobson (Lay member)

**Legal Assessor:** Emma Boothroyd

**Hearings Coordinator:** Zahra Khan

**Nursing and Midwifery Council:** Represented by Lucia Coerman, Case Presenter

**Miss Igweilo:** Not present and not represented at the hearing

**Facts proved:** Charges 1, 2 and 3

**Facts not proved:** None

**Outcome:** **Entry onto NMC Register fraudulently procured**

**Direction:** **Remove from the register in accordance with Article 26(7) of the Order**

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

## **Decision and reasons on service of Notice of Hearing**

The panel was informed at the start of this hearing that Miss Igweilo was not in attendance and that the Notice of Hearing letter had been sent to Miss Igweilo's registered email address by secure email on 9 February 2024.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, date and that the hearing was to be held virtually, including instructions on how to join, and amongst other things, information about Miss Igweilo's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

Ms Coerman, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 5 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

In light of all of the information available, the panel was satisfied that Miss Igweilo has been served with the Notice of Hearing in accordance with the requirements of Rules 5 and 34.

## **Decision and reasons on proceeding in the absence of Miss Igweilo**

The panel next considered whether it should proceed in the absence of Miss Igweilo. It had regard to Rule 21 and heard the submissions of Ms Coerman who invited the panel to continue in the absence of Miss Igweilo. She submitted that Miss Igweilo had voluntarily absented herself.

Ms Coerman submitted that there had been no engagement at all by Miss Igweilo with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised ‘*with the utmost care and caution*’ as referred to in the case of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel decided to proceed in the absence of Miss Igweilo. In reaching this decision, the panel considered the submissions of Ms Coerman and the advice of the legal assessor. It had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Igweilo;
- Miss Igweilo has not engaged with the NMC and has not responded to any of the emails sent to her about this hearing;
- There is no reason to suppose that adjourning would secure Miss Igweilo’s attendance at some future date;
- The charges relate to events that occurred in 2021; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Miss Igweilo in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to Miss Igweilo at her registered address, she has made no response to the allegations except for admitting charges 1 and 3 via the Standard Directions Form. Miss Igweilo will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her own behalf. However, in the panel’s judgement, this can be mitigated.

The panel can make allowance for the fact that the NMC’s evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Miss Igweilo’s decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel decided that it is fair to proceed in the absence of Miss Igweilo. The panel will draw no adverse inference from Miss Igweilo's absence in its findings of fact.

### **Details of charge**

*"That you....*

*1. On 4 May 2021, as part of your application to join the NMC register, submitted or caused to be submitted two IELTS certificates which were 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 Miss Chioma Vivian Igweilo, PIN 21G06180 was fraudulently procured / incorrectly made".*

### **Background**

The charges arose on 4 May 2021 when Miss Igweilo submitted or caused to be submitted two IELTS certificates, dated 11 January 2020 and 17 April 2021, which were not authentic as part of her application to join the NMC register.

Miss Igweilo entered the NMC register on 8 July 2021 via a fraudulently procured entry. Two days later, a referral was received by a member of the public stating that Miss Igweilo had provided a false IELTS certificate.

After enquiries were made, it was confirmed that the two test results were false. The scores that were achieved during an authentic test taken by Miss Igweilo on 6 March 2021 but not submitted as part of her application to the NMC, were far lower than what had been indicated on the two false results.

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

At the outset of the hearing, the panel had regard to the Standard Directions Form whereby Miss Igweilo ticked that she admitted charges 1 and 3, but not charge 2.

However, as these admissions were not signed by Miss Igweilo, the panel looked at each charge individually when determining whether the facts are found proved.

The panel heard from Ms Coerman who informed the panel that out of the three charges, Miss Igweilo admitted two, namely charges 1 and 3. Ms Coerman submitted that Miss Igweilo accepts that, as part of her application to the NMC register, the IELTS were not authentic and that a fraudulent entry was made.

Ms Coerman submitted that charge 2, which was not admitted, concerns whether Miss Igweilo was aware that the information she provided was not genuine. She submitted that it is likely that Miss Igweilo did provide such information to the NMC knowing them to be fraudulent.

As such, Ms Coerman invited the panel to find all three charges proved.

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 had regard to written statements from the following witnesses, on behalf of the NMC:

- Witness 1: The International English Language Testing System (“IELTS”) Global Account Manager at the British Council
- Witness 2: Senior International Assessment Officer at the NMC

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

In reaching its decision on each charge, the panel considered the witness and documentary evidence provided by the NMC. In particular, it took into account a witness statement from the IELTS Global Account Manager, dated 3 March 2023, and a witness statement from the NMC’s Senior International Assessment Officer, dated 29 September 2022. The panel found both sources to be credible as they come from people that have experience of IELTS testing and hold relevant roles in their organisations.

### **Charge 1**

*“That you....*

*On 4 May 2021, as part of your application to join the NMC register, submitted or caused to be submitted two IELTS certificates which were not authentic”.*

### **This charge is found proved.**

The panel had regard to relevant evidence that supports this charge, namely verification from the IELTS Global Account Manager at the British Council which confirms that the two IELTS certificates that Miss Igweilo submitted, as part of her application to join the NMC register, are not genuine. The panel additionally noted that Miss Igweilo admitted this charge, albeit it was left unsigned.

Further, the panel considered that the IELTS certificates had inconsistencies. These inconsistencies are detailed in the IELTS Global Account Manager's witness statement, as follows:

*'... we can conclude they are fraudulent documents because the formatting, specifically the font used to record the Candidate Details, Test Results and the Test Report Form [TRF] Number does not follow our standard templated layout. The test day photographs on the TRFs are also the wrong size...'*

The panel determined that, on the balance of probabilities, it is more likely than not that Miss Igweilo submitted two IELTS certificates which were not authentic, as part of her application to join the NMC register.

The panel therefore found charge 1 proved.

## **Charge 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".*

### **This charge is found proved.**

The panel took into account the fact that Miss Igweilo admitted that the two IELTS certificates were not authentic, as outlined in charge 1. The panel determined that it is likely that Miss Igweilo would have uploaded the IELTS certificates whilst knowing that they are fraudulent.

The panel considered that Miss Igweilo undertook IELTS at an Australian managed IELTS test centre in Nigeria on 6 March 2021 which showed that the test scores achieved do not satisfy the NMC's requirements. These failed test scores were much lower than those shown on the fraudulent IELTS certificates.

The panel also considered that it requires a great degree of planning when gathering information together for an application and therefore the false certificates could not, in the panel's view, be inadvertent or accidental.

The panel determined that, on the balance of probabilities, and given the dates and sequences, it is more likely than not that Miss Igweilo knew that the two IELTS certificates were not genuine. As such, her intention was to mislead anyone considering the application to join the NMC register which also indicates dishonesty.

The panel therefore found charge 2 proved.

### **Charge 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 Miss Chioma Vivian Igweilo, PIN 21G06180 was fraudulently procured / incorrectly made”.*

### **This charge is found proved.**

The panel noted that Miss Igweilo admitted this charge, albeit it was left unsigned. It was aware that Miss Igweilo has a valid PIN 21G06180 which would not have occurred unless the NMC's requirements had been satisfied. The NMC's requirements were only satisfied as the entry on Sub-Part 1 of the NMC register in the name of Miss Chioma Vivian Igweilo was fraudulently procured.

The panel determined that, on the balance of probabilities, it is more likely than not that as Miss Igweilo was able to join the NMC register, her entry of the register was fraudulently procured rather than incorrectly made.

The panel therefore found charge 3 proved.



## **Decision on Fraudulent Entry**

The panel therefore decided, for the above reasons, that in respect of each charge, the entry on the register in Miss Igweilo'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 the entry on Sub-Part 1 of the NMC register in the name of Chioma Vivian Igweilo, PIN 21G0618O, was fraudulently procured.

## **Decision and reasons on direction**

Having determined that Miss Igweilo had fraudulently procured an entry on the NMC's register, 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.’*

Ms Coerman referred the panel to the guidance issued by the NMC. She reminded the panel that, if the charges are found proved, it can either amend or remove the entry, or take no action.

In the circumstances of this case, Ms Coerman submitted that the only appropriate decision for the panel to make is to remove Miss Igweilo from the NMC register.

Ms Coerman submitted that an amendment of the entry is not possible as there is nothing to amend as the entry should not have been made in the first place. Further, she submitted that it is not appropriate to take no action as the fraudulent dishonest entry demonstrates that Miss Igweilo does not meet the language requirement to practise safely as a registered nurse.

Therefore, Ms Coerman submitted that Miss Igweilo should be removed from the NMC register on both grounds of public protection and public interest.

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

Having found that Miss Igweilo’s entry on the NMC register was fraudulently procured, the panel considered that it would be inappropriate to take no action. The panel also considered that it would not be appropriate to amend the entry as this would only be completed in cases where there is an inaccuracy, a mistake, or genuine error.

The panel further considered that Miss Igweilo does not meet the NMC’s required English language criteria which is in place to protect the public and is also in the public interest.

The panel determined that Miss Igweilo should never have been on the register in the first place. Miss Igweilo's submission of the two IELTS certificates was deliberately misleading and amounted to a fraudulent entry to the register.

In all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove Miss Igweilo's entry from the register.

Miss Igweilo will be notified of the panel's decision in writing. Miss Igweilo 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 Igweilo'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.

The panel took account of the submissions made by Ms Coerman. She submitted that an interim suspension order for a period of 18 months was required, in order to protect the public, should Miss Igweilo appeal the panel's decision.

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 your 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 determined 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 as it does not concern any clinical issues, but rather attitudinal issues of dishonesty.

The panel determined that the inability to speak the English language, to the standard that is required by the NMC, places the public at a real risk of harm. 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.

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 Igweilo's entry in the Register 28 days after she is sent the decision of this hearing in writing.

That concludes this determination.