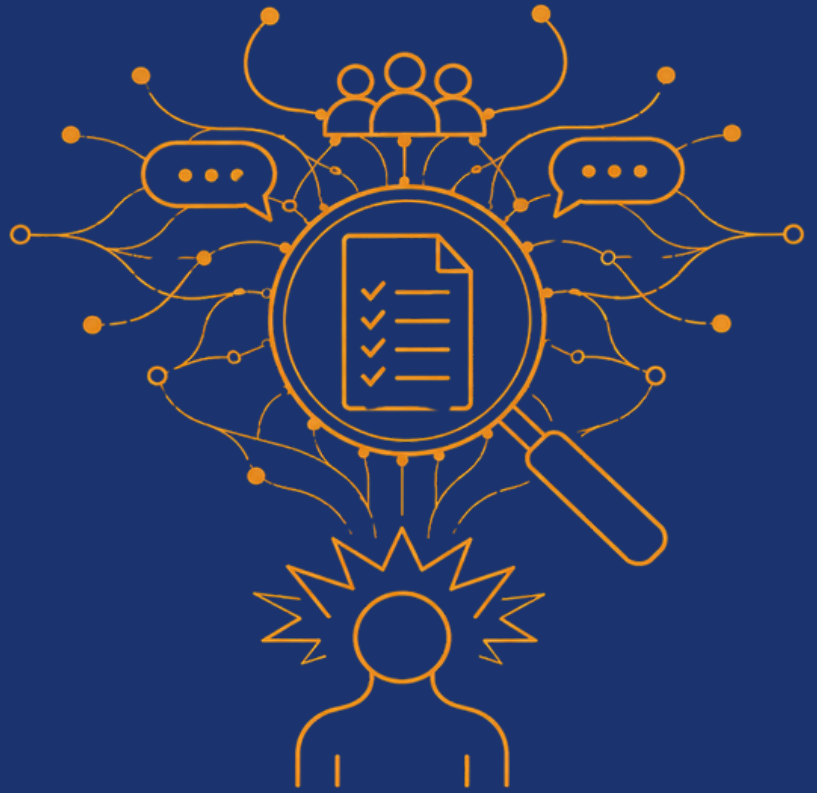


When An Inspector Calls

An HSE
enforcement lens
on *The Upside-
Down People System*



Maria Paviour's
OPTIMISM CONSULTING

Table of Contents

The precedent 3

One problem, two positions 4

Four failures, and the structural gaps behind them 5

When the Inspector asks for proof 6

What's right is also what works 7

Acknowledgements, and meet the team behind the report 8

About Maria Paviour's Optimism Consulting

Founded in 1994 by award-winning, internationally recognised Occupational Psychologist Maria Paviour, Optimism Consulting has spent over thirty years applying rigorous, science-grounded thinking to achieve its mission: to enable people to flourish in meaningful, challenging, and intelligent organisations - and to make work both joyful and triumphant.

Optimism Consulting is a strong driver of research for developing innovative solutions to real world problems - for humans and their performance at work. Using evidence-based neuroscience, the practice develops humane technology that increases human connection whilst generating finance-grade data about how people are really performing - a combination of compassion and rigour that runs through everything they produce.

The innovations at the core of the practice have all been developed in alignment with the HSE Management Standards for work-related stress since their introduction in 2004. Cari® measures engagement, wellbeing, and cognitive capacity across individuals, teams, and organisations, confidentially surfacing hidden strain and enabling early, preventative action. NeuChem® Coaching applies the same neuroscience framework at the individual level, working with executives and leaders to understand and direct their own performance. And through the Lead and Respond manager development programme, Optimism builds the capability in the people closest to the work to use human capital intel well, turning data into decisions, and decisions into cultures where people can actually perform.

The precedent

Most organisations have wellbeing policies, support programmes, and people who care deeply about getting this right. What most do not have is the evidence to prove it, and under the Health and Safety at Work Act 1974, when an inspector calls, the reverse burden of proof sits with the employer.

In December 2025, the University of Birmingham became one of the first institutions to discover what that means in practice. It had a stress management policy, an Employee Assistance Programme, occupational health referral routes, and engagement data. None of it was sufficient. The HSE's test was not whether support existed, it was whether the organisation could demonstrate, with structured and current evidence, that it was preventing harm from arising.

This report draws on the same dataset of 23 UK organisations and 130,067 employees that underpinned The Upside-Down People System, examined here through a different lens: what the four structural gaps mean when an inspector calls and asks for proof.

THE HSE ENFORCEMENT TRAJECTORY

- STRATEGY**
2022
HSE publishes ten-year strategy committing to escalating enforcement on psychosocial risk
- ENFORCEMENT**
April 2025
East of England Ambulance Service NHS Trust receives formal notice of contravention
- PRECEDENT**
December 2025
University of Birmingham receives a Notice of Contravention - four material breaches under the Management of Health and Safety at Work Regulations 1999, Regulations 3, 4, and 5.

"The lack of consultation and information gathering means you cannot demonstrate sufficient understanding of the risk to your staff from work-related stress in your business."

HSE INSPECTOR, NOTICE OF CONTRAVENTION, 11/12/2025

All organisations are fully anonymised. These organisations chose to look - which means the picture likely understates what is happening in those that have not. Full methodology in *The Upside-Down People System*.

23
UK organisations

130,067
employees

12-50,000
headcount range

PRIMARY SOURCE
9 organisations
91,600 employees

HCI Audit: standard 3.1 format. Full domain scores, RAG ratings, narrative evidence.

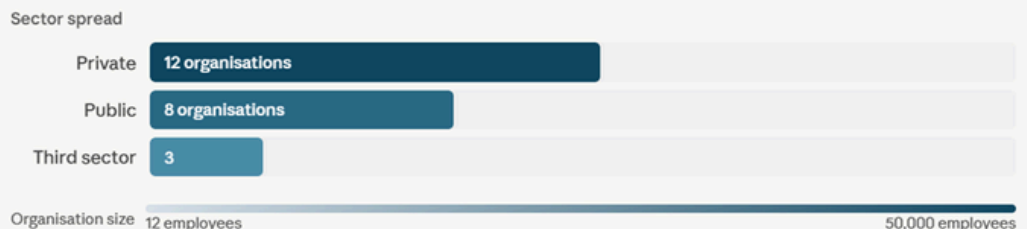
CORROBORATING
8 organisations
2,267 employees

HCI Audit: earlier versions. Qualitative and contextual evidence, not scored to current framework.

INDEPENDENT
6 organisations
36,200 employees

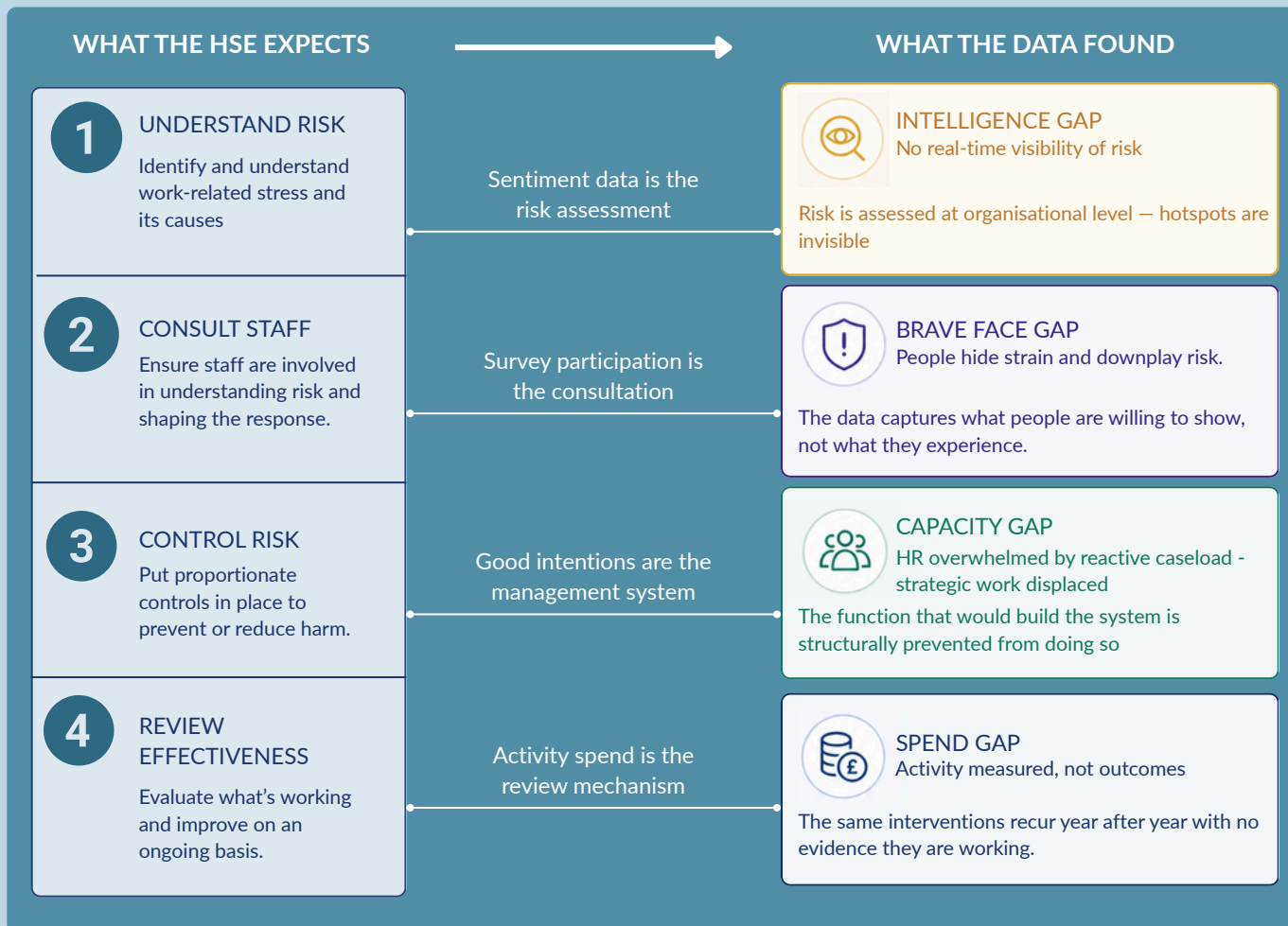
Workplace Wellbeing 2025. Structured interviews with Senior HR and OD Leaders - arriving at similar conclusions.

Industries included:
manufacturing, media, retail, local government, education, hospitality, charity, health, security, defence, pharma, leisure, finance, entertainment.

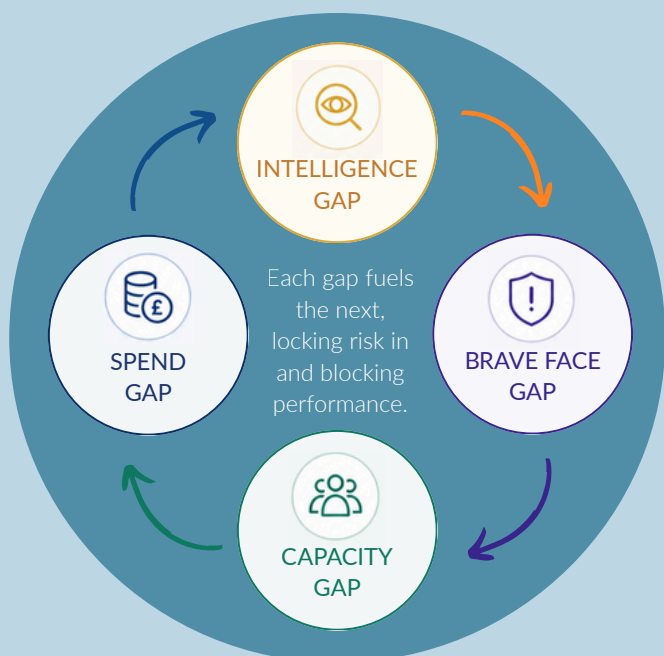


One problem, two positions.

The structural gaps identified in The Upside-Down People System map directly onto the HSE's enforcement framework: the same problem seen from two positions.



EACH GAP FUELS THE NEXT, CREATING A REINFORCING CYCLE:



✘ WHAT THE INSPECTOR WOULD SEE

- Can't determine current risk
- Consultation not evidenced
- Controls rely on individuals
- Impact of intervention unknown

✔ WHAT GOOD LOOKS LIKE

- Role-specific risk intelligence reaching the right people
- Employee voice that shapes the response
- A management framework independent of any one person
- Evidence that interventions work

Four failures, and the structural gaps behind them

In December 2025, the HSE found four material breaches at the University of Birmingham. The dataset shows these aren't exceptional - the same conditions exist, in the same structural patterns, across organisations of every size and sector.

BREACH 1

Risk assessment too generic

The HSE found that the risk assessment did not identify hotspots, failed to distinguish between roles experiencing different pressures, and was not completed at team or department level.

WHAT THE DATASET SHOWS

Across all scored organisations, surveys are the dominant listening mechanism - periodic snapshots reviewed at organisational level. None produces the role-specific, real-time signal the standard requires. Domain 3 (Intelligence to Decision) is consistently the most constrained area.

Sentiment data isn't a risk assessment.

Intelligence Gap - The Upside Down People System

BREACH 2

Employees weren't meaningfully involved

Workers were not involved in developing the risk assessment or in determining how to address failures. Voice mechanisms fed in HR processes rather than shaping solutions.

WHAT THE DATASET SHOWS

Across every organisation, the same pattern: people managing the presentation of their capacity rather than disclosing its actual state. A wellbeing survey conducted in cultures that reward endurance is not likely to surface what is happening behind a brave face.

Survey participation isn't consultation.

Brave Face Gap - The Upside Down People System

BREACH 3

Policy exists but isn't implemented

The stress management policy existed but risk assessments were not completed as required, manager responsibilities were unclear, and training was inconsistent and undocumented.

WHAT THE DATASET SHOWS

94% of HR decision makers report being affected by at least one workplace stressor (Ciphr 2025). When caseload arrives, strategic work stops - the function that would build the system the policy requires is structurally prevented from doing so. The loop is self-reinforcing.

Good intentions aren't a management system.

Capacity Gap - The Upside Down People System

BREACH 4

Controls exist but aren't working

Working time guidance, one to one meetings, and EAPs were listed as controls - but hours weren't monitored, conversations were unstructured, and no system tracked effectiveness.

WHAT THE DATASET SHOWS

EAPs, engagement surveys, and MHFA are listed as controls across the dataset - but the HSE has been explicit - these are tertiary or lagging measures. Without evaluation infrastructure, the same spend recurs year after year with no evidence it produces the outcomes the standard requires.

Activity spend isn't a review mechanism.

Spend Gap - The Upside Down People System

When the Inspector asks for proof

The HSE's test is whether the organisation can demonstrate - with documented, structured, current evidence - that it is preventing harm from arising. Five things need to be shown. For each one, a question: could you answer it today?



Ref Management of Health and Safety at Work Regulations 1999 - HSE Management Standards for Work-related stress - Health and Safety at Work Act 1974, s.40 (reverse burden of proof)

What's right is also what works

The Health and Safety at Work Act 1974 has required employers to protect psychological health for over fifty years; the Management of Health and Safety at Work Regulations 1999 specified what that means in practice over twenty-five years ago. The obligation has always existed - what's changed is that organisations are now being asked to evidence it.

Some organisations are already ahead of this, and got there by a route that had little to do with inspectors. They understood that the conditions which protect people from harm are the same conditions that produce performance, retention and trust - so the system they built to look after their people is the same system that now satisfies the legal standard.

Doing right by people and meeting the bar are one piece of work, and this is explored in-depth in *The Cultural Imperative* (Maria Paviour, Isilver Books, autumn 2026).

Acknowledgements

This report has the same foundations as The Upside-Down People System: the 23 organisations and c.130,000 people whose working lives are reflected in the data, and the HR leaders and senior people professionals who gave their time and candour to the original research. Both reports were made possible by their openness and their time.

The team behind the report



Maria Paviour

Principal, Optimism Consulting. Registered Occupational Psychologist (HCPC: PYL29552). Post Grad Applied Neuroscience. B.Ed (Hons) Biology and Psychology. CIPD Associate Member. ISMA Member.

Maria Paviour is a registered Occupational Psychologist, award-winning innovator, and internationally recognised thought leader in neuroscience-based workplace wellbeing, performance, and leadership. She developed the Human Capital Intelligence diagnostic framework on which this report's evidence base is built. A founding board member of the Parliamentary Policy Liaison Group for Workplace Wellbeing, and member of the APPG on the Future of Work, Maria brings over 25 years of experience working with organisations across sectors. A bestselling author, her latest book *The Cultural Imperative* (Isilver Books) is due for publication autumn 2026.



Stuart Paviour

Strategic Consultant, Optimism Consulting. Business Psychologist. Accredited NeuChem® Coach Practitioner. ILM Level 5 Diploma in Coaching and Mentoring. MHFA England Qualified.

Stuart Paviour conducted the HCI diagnostic audit interviews that form the primary evidence base for this report, leading structured assessments across the nine organisations scored to the current HCI standard. A strategic consultant with deep expertise in workforce development, organisational wellbeing, and leadership performance, Stuart partners with organisations across sectors in the UK and internationally.



Polly Pomfrey

Research Lead, Optimism Consulting.

Polly led the research, analysis and drafting of this report, working closely with Maria Paviour throughout. She gathered and structured the full evidential base from the HCI diagnostic dataset, conducted and analysed the qualitative interviews that form the Workplace Wellbeing 2025 report (Optimism Consulting, 2025), and developed the synthesis that connects the two evidence streams.



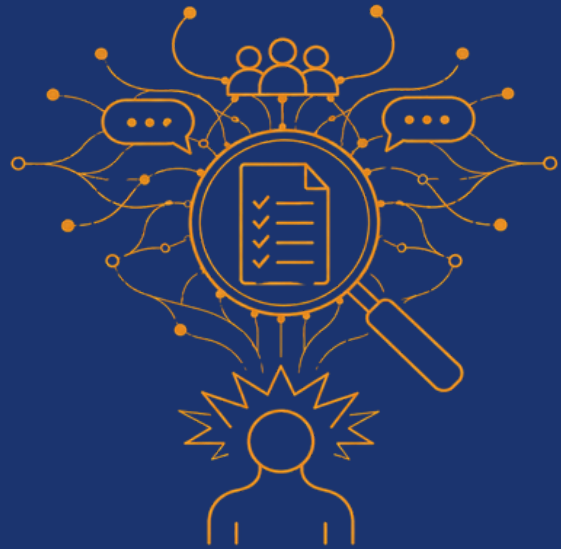
Lisa Aitken

Executive Assistant, Project Co-ordinator, Optimism Consulting

Lisa project managed and supported co-ordination of the research and production phases, managing scheduling, stakeholder liaison and operational logistics. Working closely with the team, she ensured the process ran smoothly throughout.

When An Inspector Calls is the second report in a two-part research series from Maria Paviour's Optimism Consulting, drawing on Human Capital Intelligence diagnostic data from 23 UK organisations and 130,067 employees across private, public, and third sectors.

Where the first report described four structural gaps in how organisations understand their people, this one examines what those gaps mean when the burden of proof arrives - and what the HSE's enforcement trajectory now requires people leaders to be able to evidence.



Also in this series

The Upside-Down People System: the foundational report in the series - the full evidence base, the four-gaps framework, and the methodology behind both reports. Available now at www.mariapaviour.com.

The Cultural Imperative: Maria Paviour's new book sets out the full framework for building organisations where what leaders measure, prioritise and choose to act upon aligns with the conditions that allow people to perform sustainably. Publishing Autumn 2026, Isiliver Books.

To find out more about Human Capital Intelligence, contact hello@mariapaviour.com www.mariapaviour.com

© Maria Paviour Company Ltd 2026

When An Inspector Calls is published by Maria Paviour's Optimism Consulting. All rights reserved. No part of this publication may be reproduced without prior written permission.