ABC™ score lab

When Information Is Not Enough

Wider Governance Risk Themes Arising from a Member's Engagement with Universities Superannuation Scheme Ltd (USS)



Who relies on Whom?

Outline report | 20 november 2026 | v1.0

Dr Radek Stech

Foreword

I am pleased to introduce this initial *When Information Is Not Enough* report, which outlines certain risks concerning pension savers' access to information, reliance on AI tools and the exercise of fiduciary duties.

The risks listed in this report are vital for the broader public interest as well as our work at ABC Score™ Lab. One issue that attracted particular interest during our internal review within the Lab was the proposed *best practice dependency loop*. I am equally interested in advancing this risk and I think we should focus more on it in our upcoming reports.

We will also aim to engage more reviewers and solicit more observations in future issues. I hope some of this work will be relevant for ongoing discussions on policy, law and regulation, in particular the current UK Government consultation on pension fund trustees and fiduciary duty.

I would like to thank our directors, Michael Gladczuk and Michael Riggs, for taking the time to review the draft and provide valuable comments. I am also grateful to Darryl Wilkins and Ela Slota for their project support.

I would also like to thank the Economic and Social Research Council (ESRC), part of UK Research and Innovation, for funding my earlier research at the University of Exeter, which helped lay the foundations for this report.

In particular, I am grateful to USS for reviewing early drafts of this report and for the valuable feedback they provided. I recognise and support the existing arrangements through which USS members can seek assistance from their employers or USS Member Services. My own enquiries included technical research questions, which USS addressed through its specialist channels, alongside the existing arrangements for assisting members. There remain some open questions, and I hope we can continue our discussions as we move forward with follow-up reports.

Kind regards

Dr Radek Stech

Founder and CEO, ABC Score™ Lab

Contents

Foreword....2

Executive summary....4

Key background Information....5

Risk theme #1: Pension savers' needs and knowledge that may be missed....8

Description of the risk....8

Potential practical response....8

Risk theme #2: Reliance on AI tools....10

Description of the risk....10

Potential practical response....10

Risk theme #3: Fiduciary duties and financial networks....12

Description of the risk....12

Potential practical solutions....13

Next steps: Clarification and wider review....15

Wider review....15

Disclosure....16

Purpose and disclaimer....16

Publication Information....17

Executive summary

This Outline Report draws on Dr Radek Stech's engagement with the Universities Superannuation Scheme (USS), of which he is a member. It identifies governance risks that may also affect other pension schemes, including questions about the responsible use of technology. The report suggests practical responses for further consideration. Regulators and other experts will be invited to comment as the work develops.

The report identifies three thematic risks:

Pension savers' needs and knowledge that may be missed. Information may be available but difficult to find and connect. Pension savers, including those with specialist knowledge, may spend unnecessary time assembling material before they can assess their choices. Further work should examine the efficacy of layered approaches to informing pension savers.

Reliance on AI tools. Convincing explanations or scores may rest on incomplete evidence or unsuitable assumptions. Users need access to sources, meaningful human review and clear information about commercial interests and data use. Useful tools from smaller providers should also have a fair opportunity to demonstrate their value. The same scrutiny should apply to ABC Score™ Lab.

Fiduciary duties and financial networks. Best practice can help institutions, but reputation and widespread adoption should not replace a comprehensive and rigorous assessment. Reliance on recommendations without sufficient scrutiny may compromise fiduciary judgement, restrict alternatives and create avoidable costs. Institutions must expect to be challenged as to why they feel a framework is suitable, whose interests were considered and who made the decision.

Within the third risk theme, a particular concern is the proposed *best practice dependency loop*. This is when pension funds employ the same framework used by similar institutions, without conducting due diligence regarding its suitability for their particular customer base. When questions arise, they may seek answers from the same organisations that developed or promoted it. Entrenched contracts and relationships could then make it harder to consider other approaches. The question is whether the framework continues to receive independent scrutiny or is simply accepted because it has become established practice, whether through formal standards, informal arrangements or repeated industry coordination. Such dependence may also create risks of anti-competitive behaviour, unfairly exclude individuals and organisations from bringing fresh ideas, and discourage innovation. The longer-term consequences could include unnecessary costs for pension savers, sup-optimum fund performance, and wider risks to society.

Further review will follow, with the aim of developing practical responses to the risks identified in this report.

Key background Information

Dr Radek Stech contacted USS to better understand his own pension arrangements. He then used The Leveller™[i] to review USS's reply and the documents it identified. This raised questions about how easy it was for a member to find and use the information.

USS has clarified that it treated his information requests as technical research enquiries and provided links to the requested information through technical channels in a little over three working days.

An earlier draft examining pension savers' access to USS information was shared with USS for comment. Further drafts were shared as the report developed.

USS explained its layered approach, challenged aspects of the assessment and offered to review a revised version. USS has confirmed that members can contact their employer or USS Member Services directly to raise questions and obtain assistance.[ii] The focus here is how pension savers use online information independently, before or alongside that support. This exchange informed the discussion of member engagement. Separately, the use of The Leveller™ to review USS information prompted consideration of the governance of external AI tools.

USS raised questions about commercial interests, document selection, prompts and the suitability of the initial assessment for a trust-based pension scheme. Following USS's comments, The Leveller™ provider prepared a statement explaining the tool's purpose, methodology and limitations. It clarified that the assessment concerns the information submitted to the tool and does not determine a pension scheme's financial safety or legal compliance.[iii] USS's questions about The Leveller™ also informed the report's wider consideration of AI governance.

The discussions then turned to how USS identifies and assesses best practice, including guidance from regulators and industry organisations. This brought renewed attention to questions Dr Stech had previously raised with USS about securities lending frameworks, how they were assessed and the potential risks associated with their use.

This theme draws on Dr Stech's work since 2018 on voluntary securities lending standards, including his chairmanship of the ISLA Council for Sustainable Finance (ICSF). In ISLA's (International Securities Lending Association) February 2020 announcement, six institutions were named in the working group that started progressively and independently of ISLA in 2018: Aberdeen Standard Investments, Aviva Investors, BlackRock, KBC Asset Management NV, NN Investment Partners (part of Goldman Sachs Asset Management (GSAM) since 2022) and PGGM. Its partners included the ESRC-funded Sustainable Finance – Law – Stakeholders (SFLS) Network at the University of Exeter, the World Pensions Council, Financial Decisions LLC and PASLA (Pan Asia Securities Lending Association).[iv] (These

institutions are named here for context and completeness and not to imply any association with this paper.)

ISLA publicly set out strong governance commitments for ICSF. These included a long-term mandate, initial five-year terms for the Council and its chair, and open communication.[v]

In early 2022, Dr Stech approached USS about potential collaboration on a principles-based approach to sustainable securities lending, sharing his experience and specialist knowledge. USS explained that it was using the PASLA/RMA (Pan Asia Securities Lending Association/Risk Management Association) framework to identify possible improvements to its internal processes. Dr Stech sought clarification of how that framework had been assessed and later asked USS to confirm his assumption that USS had engaged with GASLA (Global Alliance of Securities Lending Associations).[vi]

Dr Stech also asked how USS assessed securities lending frameworks, what information it received from JP Morgan (one of USS's custodians) and how it considered possible competition concerns. Those exchanges have not yet fully resolved the questions. Discussions with USS continue, and further clarification is being sought. This does not mean that USS had no relevant records or had carried out no assessment.

In response to further questions, USS stated:

"The Trustee keeps relevant legal, regulatory and industry developments under review. The Trustee remains responsible for its own investment decisions, taken in accordance with its fiduciary duties and the Scheme's best financial interests. USS Investment Management is overseen and scrutinised by the Trustee Board's Investment Committee."[vii]

USS also referred to its 2026 Governance Supplement.[viii] The specific questions about how particular industry frameworks and relationships were assessed remain open.

Global PSSL was established independently of the University of Exeter. ABC Score™ Lab is now a workstream of Global PSSL CIC, drawing on earlier research and work on transparency and governance.

In December 2022, Global PSSL for United Nations Pathways published its *3P Transparency* strategic decision. It raised various concerns relevant to this outline report, including the risk that *ad hoc* arrangements "can result in misinformation, struggles for dominance, and misrepresentation of roles and goals, including greenwashing."[ix]

Concerns about USS valuations have been raised for some time and led to positive change. In 2019, USS welcomed the Joint Expert Panel's proposals to improve trust and engagement.[x] In January 2026, UCU welcomed proposed changes to USS's valuation approach, including more emphasis on best estimates and bringing risk documentation together.[xi] These are positive developments, although they do not independently confirm the accuracy of USS's

calculations. The report asks how similar scrutiny is applied to the industry frameworks USS uses.

The Pensions Regulator's (TPR) investment governance expectations cover both defined benefit (DB) and defined contribution (DC) arrangements. Its General Code expects critical evaluation of investment information, clear responsibilities and consideration of conflicts and value. Its DC guidance also addresses oversight of delegated functions and scrutiny of fund documents. The DB guidance expressly addresses securities lending through custodians, including whether the terms of engagement permit the activity and the financial benefit to the scheme.[xii] This provides a basis for asking how external recommendations were assessed before they informed the scheme's policies, controls or oversight. Referring to a framework as best practice does not, by itself, explain that assessment.

Risk theme #1: Pension savers' needs and knowledge that may be missed

Description of the risk

Information may be available but difficult to connect across documents and webpages. Pension savers may need additional time to identify what applies to them, compare explanations and understand their choices. Some time is necessary for careful consideration. The risk is the excessive effort needed in finding relevant and credible information, leaving less time to reach the best decisions that satisfy their needs.

An approach that works well for common enquiries may not work equally well for pension savers examining less common or more complicated questions. This can affect knowledgeable pension savers too. Their difficulties may concern the organisation and completeness of the information rather than their ability to understand it.

A further risk arises where communications are not reviewed against developments in regulatory guidance, individual and wider member feedback, and lessons from complaints. Additional information needs may then become apparent only after a decision has been made.[xiii]

Incomplete or unclear information may affect pension savers' decisions and lead to **complaints, financial loss or other injustice.** The Ombudsman decisions show that information can be accurate but still misleading when important details are omitted or left vague. Pension savers asking unusual or detailed questions may also need more specific answers. However, not every communication failure justifies compensation. The outcome depends on the circumstances and consequences for the member.[xiv]

Potential practical response

Further work should examine who each layer of information is intended for, how pension savers move between layers and when individual assistance is needed. We need to test these routes with pension savers who have different circumstances, knowledge and reasons for seeking information. Consider the time needed to find, connect and assess relevant material, as well as whether pension savers reach an adequate understanding.

Clear links, explanations of how documents relate and visible routes to further support may help. This need not mean combining everything into one document or expecting online material to answer every individual question. The aim is for pension savers, including those asking less common questions, to identify what applies to them and understand how the information fits together without unnecessary effort, leaving more time for informed consideration. Individual enquiries may reveal problems that broader member surveys do not

identify. Schemes should consider these alongside regulatory guidance and lessons from complaints and Ombudsman decisions. It is also important to distinguish legal requirements from recommended practice, record any improvements and check whether they work in practice.

Schemes could also explore newer forms of consultation that give pension savers time, clear information and opportunities to question complex proposals.[xv] Pension savers can be capable partners, while trustees retain responsibility for decisions. Success should be assessed through better understanding and informed participation, not simply increased support for a strategy.

Risk theme #2: Reliance on AI tools

Description of the risk

This theme examines general risks associated with AI tools used to assess pension information. It does not suggest that USS relies on AI tools when providing services to members.

AI tools may produce convincing explanations or scores from incomplete information or unsuitable assumptions. Users may mistake an assessment of selected documents for a reliable judgement about an institution, its legal obligations or financial safety. The risk affects pension savers, advisers and institutions relying on these outputs.

A tool may also shape what users see and consider. Important evidence or alternative explanations could be left out without users realising it. Human approval offers limited protection where the person reviewing an output cannot check its basis or challenge it.

Commercial interests may influence an AI tool's recommendations, including directing users towards paid services or sponsoring institutions. Questions also arise about how personal information is used and protected.

There is a risk in the opposite direction too. Institutions may overlook innovative tools developed by smaller firms without properly assessing their merits. This could limit competition, innovation and ultimately the choices available to pension savers and consumers. The challenge is to protect users without creating unnecessary barriers for new providers.

ABC Score™ Lab must consider these risks. Its methods and priorities could become overly dependent on technology providers, funders or commercial partners. A framework intended to support independent judgement could then reproduce the very problems it seeks to address.

Potential practical response

AI tools should clearly explain their purpose, limitations and the sources they use. Key assumptions, missing information and corrections should be recorded, with access to the original sources. Assessments should also be suitable for their intended users and the relevant legal arrangements.

Human review is important, but those responsible must have the knowledge and authority to challenge the results. Users should be able to question findings and request corrections. The Pensions Regulator and Financial Reporting Council guidance provides useful reference points, although the two address different areas.[xvi]

Users should know whether commercial interests could affect a tool's conclusions and what happens to their personal information. It should also be clear who controls the tool, chooses the evidence and has the final say on its outputs. Independent checks are important, as is the ability to change providers when needed.

ABC Score™ Lab intends to test these safeguards as its tools and partnerships develop. This includes examining whether users can check the sources and assumptions behind an assessment, challenge its findings and change providers without unnecessary barriers.

Risk theme #3: Fiduciary duties and financial networks

Description of the risk

Best practice can help institutions learn and avoid mistakes. The risk arises when a practice is accepted because it is widely followed or because of the perceived or manufactured reputation of the network that developed or promoted it, rather than through an institution's own assessment. A practice may be accepted without sufficient consideration of its origins, underlying interests, suitability or alternatives. This risks compromising the proper discharge of fiduciary and related duties.[xvii]

Custodians, advisers and other providers may shape both the recommendations and the choices presented to asset owners. The risk is that service providers effectively set the direction while asset owners give formal or informal approval. Responsibility may be clear on paper, but then offer less clarity about who has assessed the evidence and exercised judgement. This risk extends beyond any particular pension fund.

A ***best practice dependency loop*** is a potential risk worth examining. This is when pension funds employ the same framework used by similar institutions, without conducting due diligence regarding its suitability for their particular customer base. When questions arise, they may seek answers from the same organisations that developed or promoted it. Entrenched contracts and relationships could then make it harder to consider other approaches. The question is whether the framework continues to receive independent scrutiny or is simply accepted because it has become established practice, whether through formal standards, informal arrangements or repeated industry coordination. Such dependence may also create risks of anti-competitive behaviour, unfairly exclude individuals and organisations from bringing fresh ideas, and discourage innovation. The longer-term consequences could include unnecessary costs for pension savers, sup-optimum fund performance, and wider risks to society.

Claims about independence, institutional support and suitability may also be accepted without adequate checks. Undisclosed interests, restricted participation or obstacles to alternatives could deepen dependence. Collaboration can be useful, but its purpose does not remove the need to consider conflicts and possible restrictions on competition.[xviii]

Weak processes often create financial costs. These include duplicated advice, services retained without demonstrated value, less competitive terms and expensive changes to systems or contracts following poor decisions. Poor records also make reasonable questions costly to answer because decisions have to be reconstructed. The concern is avoidable cost from weak processes, not the cost of allowing pension savers to raise concerns. Proper scrutiny also costs money; the question is whether it delivers value.

Pension funds may also receive misleading information about the governance, independence or suitability of industry frameworks. If they rely on such information without checking it, their decisions may be affected and pension savers could face additional costs or other

financial risks. Overall good investment returns would not necessarily mean that these risks have been properly addressed.

There may also be risks of fraudulent or negligent misrepresentation, depending on the circumstances, the representations made and the duties involved. *Derry v Peek* and subsequent case law provide a legal basis for examining these risks and distinguishing fraud from negligence.[xix]

In *Första AP-Fonden v Bank of New York Mellon SA/NV*, a securities lending case involving a Swedish pension fund, Blair J agreed that "the mere fact that something is best practice does not necessarily mean that it arises as a matter of obligation"[xx]. However, the court found that the bank had breached its existing duty to communicate investment risks fairly and accepted the pension fund's claim of negligent misrepresentation. The case illustrates why it is important to distinguish between industry best practice and the legal duties that apply in practice

Another risk concerns the commercial interests behind industry best practice. A service provider may recommend a framework while also benefiting from its wider use. Pension funds should be able to establish what those interests are and whether other approaches were considered. The Pensions Regulator's guidance on conflicts and investment decisions is relevant and useful here.[xxi] The Supreme Court's discussion of fiduciary loyalty and conflicts in Hopcraft provides a further legal reference.[xxii]

Potential practical solutions

Pension funds should be able to explain why they use a particular industry framework, what evidence they considered and whether they examined other approaches. They should also understand the interests of those promoting it. Voluntary industry recommendations should be distinguished from legal requirements and regulatory guidance. The assessment should reflect the scale of the activity, the risks involved and its potential impact on pension savers' interests. Specialist activities such as securities lending should not receive less scrutiny simply because they are less visible to pension savers.

It should also be clear who sets the mandate, provides advice, makes decisions and reviews them. Trustees need sufficient information and opportunities to challenge recommendations, particularly where advisers or service providers have their own interests. The Pensions Regulator already expects trustees to examine investment information critically, consider conflicts and assess the costs and value of advice and transactions.[xxiii]

More checks of material claims about a framework's governance, independence and support are needed. Consider the interests of those recommending it and whether further assessment is needed from someone outside the same network. Institutions should be able to consider competing approaches and change course without unnecessary barriers. Collaboration

arrangements should also be checked for restrictions on independent choices or competition.[xxiv]

Pension funds should regularly check whether the benefits of using particular frameworks and providers justify their costs. This includes advisory fees, pension membership costs, duplicated services and the expense of changing arrangements. Reviews should also consider changes in governance, errors and concerns raised by pension savers. Longstanding arrangements should not be exempt from scrutiny.

Pension savers raising substantive concerns should receive an explanation of how these were considered. Where information is confidential, a summary or independent review may help. It is important to distinguish a member questioning a possible error or conflict of interest from someone simply expressing a different investment preference.

These practical checks could inform the UK Government consultation on investment and fiduciary duties. Its draft guidance rightly stresses trustee judgement and the benefits of working together. However, the *Working together* section does not explain how trustees should examine the governance, commercial interests or influence of the networks and arrangements they rely on. It states that "anti-competitive behaviour has no place"[xxv], but offers no practical examples of how trustees might recognise problematic arrangements. The proposed ***best practice dependency loop*** is one risk worth examining. Collaboration should not become a substitute for independent judgement.

ABC Score™ Lab will further develop its FinGovTech (Finance, Governance, Technology) approach to help connect decisions with their evidence, identify external influence and track reviews and corrections. The Lab also intends to examine the legal risks, including fraudulent and negligent misrepresentation and the proper exercise of fiduciary duties, drawing on *Derry v Peek*, *Hopcraft* and other relevant cases. This work should support, not replace, independent institutional judgement. The same scrutiny should apply to the Lab's own methods and relationships.

Next steps: Clarification and wider review

Dr Stech sent the main questions to USS before drafting this report and invited reviewers to comment.

For now, the main questions concern Risk theme #3: how USS assessed particular industry frameworks and relationships, how its governance and oversight arrangements operated in practice, and how fiduciary duties were considered. Further clarification from USS will be taken into account in subsequent reports. ABC Score™ Lab will take the initial observations from Risk themes #1 and #2 into account when developing ABC Score™. Where appropriate, this experience will also inform wider discussions on member engagement and the governance of AI tools. The aim is to help stakeholders, including pension savers, track how concerns are addressed and whether practical improvements materialise over time.

Clarification sought from USS on Risk theme #3

Best practice. How did USS assess the suitability of the Global Framework for ESG and Securities Lending developed by the Pan Asia Securities Lending Association (PASLA) and Risk Management Association (RMA)? Did USS subsequently consider updates published by the Global Alliance of Securities Lending Associations (GASLA)? What alternatives and potential conflicts of interest were examined?

Responsibility. Who advised, decided and reviewed? How were pension savers' interests and fiduciary responsibilities considered? What has changed since the earlier exchanges?

Service providers. What information did USS receive about ICSF and related developments, including through JP Morgan? Which records, colleagues or providers were consulted, and how did the information inform decisions? The bank's custody role alone does not establish receipt of a particular document.

Costs and review. How does USS assess costs and value? When are arrangements reconsidered, and how are concerns resolved?

Wider review

Observations will be sought from The Pensions Regulator, independent experts and other stakeholders, including relevant European authorities and specialists. Their participation is not assumed.

Article 31 of the EU's Directive on the activities and supervision of institutions for occupational retirement provision (IORP II Directive) provides a useful comparison. Pension

institutions remain responsible for compliance with the Directive when they outsource activities. They must select and monitor service providers and ensure that outsourcing does not weaken governance, unduly increase operational risk or undermine services to pension savers and beneficiaries. Written agreements must clearly define the institution's and provider's rights and obligations.[xxvi]

It would help to understand why a pension fund chose a particular standard in the first place. A short note could explain who made the decision, what evidence they relied on, whether other approaches and potential conflicts were considered, how the standard's effectiveness would be assessed,and when the decision will be reviewed. This need not involve lengthy reports. A similar approach may help when pension savers raise questions or AI assessments are challenged.

The experience may inform ABC Score™ Lab's FinGovTech work on tracing decisions, examining external influence and recording corrections. The Lab's own methods and interests should face the same scrutiny. Wider observations may also inform submissions on fiduciary duties, stewardship and proxy voting.

Further reports and consultation responses will distinguish what has been clarified from what remains open. Invitations to comment do not imply collaboration or approval.

Providing more information is not enough if institutions do not properly question it. Pension savers should also have a meaningful opportunity to do so.

Disclosure

Dr Stech has been a USS member since early 2015 and is the former chair of the ISLA Council for Sustainable Finance (ICSF). In 2022, he invited USS to become a signatory to the Global Principles for Sustainable Securities Lending (Global PSSL). Although this did not progress, the Principles remain publicly available and continue to be followed by other institutions. The present engagement focuses instead on clarifying outstanding governance questions, identifying risks and considering lessons for improvement.

Radek's professional and academic roles formed part of the earlier correspondence. This is not an official University of Exeter publication. His experience informs the questions, not the answers. The report is published by Global Principles for Sustainable Securities Lending CIC through its main workstream, ABC Score™ Lab, which Dr Stech leads. It is intended to inform the continued development of ABC Score™ for the benefit of pension savers, financial institutions and other stakeholders, rather than any one group alone.

Purpose and disclaimer

This Outline Report identifies governance risks and invites further discussion. It will be updated following comments and additional information. The report is not intended to guide individual pension or investment decisions, or to replace legal or other professional advice.

To the extent permitted by law, the author, reviewers and the publisher accept no liability for loss, damage or costs arising from use of or reliance on this report, including decisions to act or refrain from acting, or from errors or omissions.

Publication Information

ABC Score™ Lab is governed and operated by Global Principles for Sustainable Securities Lending (Global PSSL) CIC, an independent, non-profit and impartial Community Interest Company registered in England and Wales under company number 12936602.

© 2026 ABC Score™ Lab (Global Principles for Sustainable Securities Lending CIC). All rights reserved.

Suggested citation:

Radek Stech, 'When Information Is Not Enough: Wider Governance Risk Themes Arising from a Member's Engagement with Universities Superannuation Scheme Ltd (USS)' (Outline Report, ABC Score™ Lab 2026).

---

[i] Get SAFE, The Leveller™ <https://theleveller.app/> accessed 15 November 2026

[ii] USS, Response to Dr Radek Stech, 14 July 2026, explaining layered communications and the availability of further assistance through Member Services.

[iii] An advice note and further explanations of The Leveller™'s purpose, methodology and limitations were provided by the tool's developer in July 2026.

[iv] ISLA, 'ISLA Council for Sustainable Finance & PSSL' (2020) <https://www.islagroup.org/press-releases/isla-council-for-sustainable-finance-pssl/?utm_source> accessed 15 November 2026

[v] ISLA, 'ISLA Announces Formation of the Council for Sustainable Finance (ICSF)' (2019) <https://www.islagroup.org/press-releases/isla-announces-formation-of-the-council-for-sustainable-finance-icsf/?utm_source> accessed 15 November 2026

[vi] The associations published the *Global Framework for ESG and Securities Lending (GFESL)* in May 2021. PASLA, 'Global Framework for ESG and Securities Lending' (2021) <https://docs.islagroup.org/download/latest/global-framework-for-esg-and-securities-lending-gfesl-27-may-2021> accessed 16 November 2016

[vii] Email from USS to Radek Stech (17 November 2026)

[viii] Universities Superannuation Scheme, Governance Supplement 2026 (2026), 11 <https://www.uss.co.uk/about-us/report-and-accounts> accessed 19 November 2026.

[ix] Global PSSL, 'Transparent Public, Private, and Polycentric (3P) Collaboration in Securities Finance '3P Transparency' Strategic decision' (2022) <https://gpssl.org/wp-content/uploads/2022/12/Global-PSSL-for-UN-

Pathways-Strategic-Decision-3P-Transparency.pdf> accessed 15 November 2026

[x] USS, 'Report of the Joint Expert Panel' (2019) <https://www.ussemployers.org.uk/sites/default/files/field/attachemnt/joint-expert-panel-second-report-december-2019.pdf> accessed 15 November 2026; USS, 'Publication of the Joint Expert Panel's second report' (2019) <https://www.uss.co.uk/news-and-views/latest-news/2020/06/12132019_publication-of-the-joint-expert-panels-second-report> accessed 15 November 2026

[xi] University and College Union, 'USS valuation methodology changes agreed - with more to do' (2026) <https://www.ucu.org.uk/article/14381/USS-valuation-methodology-changes-agreed---with-more-to-do> accessed 15 November 2026

[xii] The Pensions Regulator, 'General Code of Practice, Investment governance', paragraphs 4, 9 and 10 (March 2024) <https://www.thepensionsregulator.gov.uk/en/document-library/code-of-practice/funding-and-investment/investment/investment-decision-making> accessed 15 November 2026; The Pensions Regulator, 'Investment governance in DC schemes' (published: July 2016 last updated: August 2024) <https://www.thepensionsregulator.gov.uk/en/document-library/code-of-practice/funding-and-investment/investment/investment-decision-making> accessed 15 November 2026; The Pensions Regulator, 'DB investment guidance. Implement a DB investment strategy' (issued: March 2017 last updated: September 2019) <https://www.thepensionsregulator.gov.uk/en/document-library/scheme-management-detailed-guidance/funding-and-investment-detailed-guidance/db-investment/implement-a-db-investment-strategy> accessed 15 November 2026

[xiii] The Pensions Regulator, 'General Code: General principles for member communications', paragraph 3 (2024) < https://www.thepensionsregulator.gov.uk/en/document-library/code-of-practice/communications-and-disclosure/information-to-members/general-principles-for-member-communications> accessed 16 November 2026

[xiv] In *Dr N v NHS Business Services Authority and Primary Care Support England*, PO-18811, 4 October 2021, the Ombudsman found that although the member's circumstances were atypical and the administrator was not required to provide financial advice, its responses to his specific questions should have been accurate and complete. The complaint was upheld. The Pensions Ombudsman, Ombudsman's Determination (2021) <https://www.pensions-ombudsman.org.uk/sites/default/files/decisions/PO-18811.pdf> accessed 16 November 2026

In *Professor E v USS*, CAS-55276-X3G5, 16 November 2023, USS had provided accurate information about two pension entitlements. The problem was that it had not explained how they related to each other. The Ombudsman considered this potentially misleading (paragraph 67) and found that Professor E had suffered an injustice. USS was directed to pay £1,000 for serious distress and inconvenience caused by its handling of the complaint. The Pensions Ombudsman, Universities Superannuation Scheme (CAS-55276-X3G5) <https://www.pensions-ombudsman.org.uk/decision/2023/cas-55276-x3g5/universities-superannuation-scheme-cas-55276-x3g5> accessed 16 November 2026

In *Mr S v Standard Life DC Master Trust*, CAS-76177-C6M9, 25 September 2024, the Ombudsman accepted that the information about different charges was unclear at first. However, the apology was considered an adequate response, and the complaint was not upheld (paragraph 41 and 53). The Pensions Ombudsman, Standard Life DC Master Trust (CAS-76177-C6M9) <https://www.pensions-ombudsman.org.uk/decision/2024/cas-76177-c6m9/standard-life-dc-master-trust-cas-76177-c6m9> accessed 16 November 2026

[xv] See for example: Nest Corporation, 'Nest Member Assembly Report 2026' (published 16 June 2026) <https://www.nestpensions.org.uk/schemeweb/nest/nestcorporation/news-press-and-policy/press-releases/member-assembly-report-for-uk-pensions.html> accessed 16 November 2026; see also Ignition House,

‘Building the UK’s Future: The Role of Pension Savings in Infrastructure’ (2026), in particular Insight no. 8 (“Pension savers can engage with complexity”) <https://www.ifminvestors.com/siteassets/shared-media/news--insights-pdfs/ifm-investors_building-the-uks-future---the-role-of-pension-savings-in-infrastructure.pdf> accessed 16 November 2026; see also: Pensioenfonds, ‘Deelnemersdialoog’ <https://pensioenfondsdetailhandel.nl/actuele-onderwerpen/deelnemersdialoog> accessed 16 November 2026; see also: New Citizen Project, ‘Deliberative Democracy and Pensions: Building a democratic mandate for pensions reform’ <https://www.newcitizenproject.com/deliberative-democracy-and-pensions> accessed 16 November 2026; see also: New Citizen Project, ‘Deliberative Democracy and Pensions: Building a democratic mandate for pensions reform’ <https://gamma.app/docs/Deliberative-Democracy-and-Pensions-Building-a-democratic-mandate-qqu6z7j5uda7h00?mode=doc> accessed 16 November 2026 (“Risk Without Voice The shift towards Defined Contribution schemes means citizens bear more risk for their retirement, but do not necessarily have more voice or control of the decisions that shape the system.” (p.10))

[xvi] The Pensions Regulator, ‘Use of artificial intelligence (AI) in pension schemes’ (29 October 2026) <https://www.thepensionsregulator.gov.uk/en/document-library/scheme-management-detailed-guidance/governing-body-detailed-guidance/use-of-artificial-intelligence-ai-in-pension-schemes> accessed 16 November 2026; see also: Financial Reporting Council, ‘Technical Actuarial Guidance: Models’ (October 2024) <https://media.frc.org.uk/documents/Technical_Actuarial_Guidance_Models_October_2024.pdf> accessed 16 November 2026

[xvii] The Pensions Regulator, ‘General Code of Practice: Investment decision-making’ <https://www.thepensionsregulator.gov.uk/en/document-library/code-of-practice/funding-and-investment/investment/investment-decision-making> accessed 16 November 2026

[xviii] Competition and Markets Authority, ‘Guidance on the application of the Chapter I prohibition in the Competition Act 1998 to horizontal agreementsCMA184’ (August 2023) <https://assets.publishing.service.gov.uk/media/64dba33bc8dee400127f1d25/Horizontal_Guidance_FINAL.pdf> accessed 16 November 2026; and Competition and Markets Authority, ‘Green Agreements Guidance’ (12 October 2023) <https://assets.publishing.service.gov.uk/media/6526b81b244f8e000d8e742c/Green_agreements_guidance_.pdf> accessed 16 November 2026

[xix] *Derry v Peek* (1889) 14 App Cas 337

[xx] *Första AP-Fonden v Bank of New York Mellon SA/NV* [2013] EWHC 3127 (Comm) [149], [470]–[471].

[xxi] The Pensions Regulator, ‘General Code of Practice. Conflicts of interest’, paragraphs 8(f)–(h) and 9 (March 2024) <https://www.thepensionsregulator.gov.uk/en/document-library/code-of-practice/the-governing-body/risk-management/conflicts-of-interest> accessed 16 November 2026; and Investment decision-making, paragraphs 5(c) and 5(e) (n xvii)

[xxii] *Hopcraft and another v Close Brothers Ltd; Johnson v FirstRand Bank Ltd; Wrench v FirstRand Bank Ltd* [2025] UKSC 33. See, for example, paragraphs 68–81 and 89–91.

[xxiii] The Pensions Regulator, ‘Investment decision-making’ (n xvii); ‘Conflicts of interest’ (n xxi)

[xxiv] Competition and Markets Authority, ‘Guidance on horizontal agreements’ and ‘Green Agreements Guidance’ (n xviii)

[xxv] Department for Work and Pensions, ‘Pension fund trustees guidance-draft’, paragraphs 115-117 (13 November 2026) <https://www.gov.uk/government/consultations/pension-trustees-investment-and-fiduciary-duties-consultation/pension-fund-trustees-guidance-draft?utm_source> accessed 16 November 2026

[xxvi] Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) [2016] OJ L354/37 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016L2341-20250117> accessed 16 November 2026