

**Debate Pack**

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# Reforming the Child Maintenance Service

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# 1 Background

A Westminster Hall debate on ‘Reforming the Child Maintenance Service’ is scheduled for 19 May 2022 at 1.30pm. Marion Fellows MP will open the debate.

The debate can be watched live on [parliamentlive.tv](https://parliamentlive.tv).

## 1.1 What is the Child Maintenance Service?

Child maintenance is a financial arrangement between parents, which covers a child’s living costs when one of the parents does not live with the child. Currently, child maintenance in Great Britain can be organised privately through parents, or through the Child Maintenance Service (CMS).

The current Child Maintenance Scheme was introduced in 2012 and replaced the Child Support Agency. [The reformed service was designed:](#)

...to overcome many of the problems associated with the Child Support Agency (CSA) and be more cost-effective to administer [...] [and] to increase levels of cooperation between separated parents, and encourage parents to meet their responsibilities to provide their children with the financial support they need to get a good start in life.<sup>1</sup>

The CMS organises child maintenance payments through two different arrangements: **Direct Pay**, where the CMS calculates the rate of maintenance, but payments are made directly between parents, and “**Collect and Pay**”, where the CMS calculates, collects and passes on payments between parents. The CMS can:

- [Calculate the rate of child maintenance](#)
- Organise payments
- Take action if child maintenance is not paid
- Resolve parentage disputes
- Attempt to locate the other parent if the parent with care of the child does not know where they are.<sup>2</sup>

For information on how the CMS calculates child maintenance under the 2012 Child Maintenance Scheme in Great Britain, see the House of Commons

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<sup>1</sup> DWP, [Child Maintenance: modernising and improving our service](#), 14 March 2022

<sup>2</sup> Gov.UK, [Child Maintenance Service](#), what child maintenance is (accessed 16 May 2022)

Library briefing, [Child maintenance: Calculations, variations and income \(UK\)](#).

## 1 Child maintenance schemes

There are currently three statutory child support schemes operating in Great Britain under the [Child Support Act 1991](#):

- **2012 scheme (also known as CS3)**: the current scheme and open to new applicants. It is administered by the Child Maintenance Service (CMS);
- **1993 and 2003 schemes**: these schemes are closed to new applicants; all cases with ongoing maintenance liabilities have been transferred to the 2012 scheme. Only “arrears-only” cases continue to operate on the legacy schemes although the Department for Work and Pensions (DWP) is implementing a large-scale write-off of arrears that accrued under these schemes. These legacy schemes are administered by the Child Support Agency (CSA).

## 1.2

## Government reform

In June 2021, the Government published a [consultation on proposed legislative changes to the current child maintenance system](#) (the 2012 system). The consultation sought views on proposals such as:

- Including unearned income (that HMRC has information on) alongside paying parents earned income in CMS calculations
- Writing off small volumes of debt under £7 “where the maintenance calculation has ended but there remains an outstanding debt and the value of the debt is substantially less than the cost of collecting it.”
- Communicating CMS notifications digitally if requested as a preference by the customer.<sup>3</sup>

[In its response to the consultation](#), published in March 2022, the Government confirmed its next steps (paras 73-74):

We are planning to make changes in secondary legislation as parliamentary time allows, to bring into force changes to:

- the Child Support Information Regulations 2008 to expand information regulations to include private pension providers, academy proprietors,

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<sup>3</sup> DWP, [Child Maintenance: modernising and improving our service](#), updated 14 March 2022.

the Motor Insurers' Bureau and all types of companies that offer, promote or sell investment management services or facilitate share trading

- update all the CMS regulations that deal with communications, to enable the Secretary of State to serve notice or notifications to customers and third parties, such as employers, in writing by post or by electronic means

We plan to make changes in regulations to unearned income, to extinguish low level debt and maintenance not collected when an employer becomes insolvent, at a later date.<sup>4</sup>

## 1.3 National Audit Office report

In March 2022, the National Audit Office (NAO) published a [report on child maintenance](#). A recording of a talk the NAO gave on the report, provided as part of a House of Commons Library talk series, can be found on the Library training site: [Child Maintenance: the National Audit Office findings](#) (Note, this link may only be accessible to those with a parliament email account).

The report said parents are now relying less on the state to help them make maintenance arrangements, which was an aim of the Government's 2012 reforms. While the number of people making a family-based arrangement has increased as intended, there has also been an increase in those with no maintenance arrangement. As a result, the report said, there has "been no clear change" in the number of families with effective child maintenance arrangements (including arrangements not through the CMS) since the Government had reformed the system in 2012. It estimated 1 in 3 separated families in Great Britain had a child maintenance arrangement where the agreed maintenance was paid in full.<sup>5</sup>

The report added the aim of increasing the number of effective maintenance arrangements overall was based on a wider cross-government set of policy agendas on separated families. However, this "broader set of cross-government actions had yet to emerge in the way envisioned."<sup>6</sup>

### Collection of maintenance through the child maintenance service

On the collection of maintenance through the CMS, the report's findings included:

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<sup>4</sup> DWP, [Child Maintenance: modernising and improving our service](#), updated 14 March 2022, paras 73-74).

<sup>5</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, para 12-13.

<sup>6</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, para 14.

- DWP’s research does not fully explain why take-up of the CMS is lower than expected.
- The CMS has improved the accuracy of its maintenance calculations. Errors in assessing the maintenance due had reduced from 2.17% of the monetary value of assessed payments in 2015/16 to a record low of 0.65% in 2020/21.
- The CMS was designed to limit customer fraud and error but DWP has not estimated how many calculations are incorrect due to fraud and error.<sup>7</sup>

## Compliance with maintenance arrangements

For Direct Pay, the CMS does not monitor whether payments are being made but does prompt parents to contact them if the arrangement is not working. The NAO report found “around half of new Direct Pay arrangements are either not sustained or are not effective [...] meanwhile, unpaid maintenance arrears build up”. The report said in the quarter ending September 2021, paying parents moving from Direct Pay onto Collect & Pay owed on average £1,100 (“around five months’ worth of maintenance”).<sup>8</sup>

Regarding compliance with Collect and Pay arrangements, the report noted the percentage of paying parents contributing more than 90% of ongoing maintenance due in a quarter had increased from 31% in March 2016 to 49% in September 2021. It added, however, “many parents” fail to pay everything owed, or pay their maintenance late:

In the quarter to September 2021, 39% of children under Collect & Pay arrangements received no ongoing maintenance or arrears. Some payments are made late within the quarter. As at September 2021, 38,000 paying parents (around one in four) with an ongoing arrangement had not paid any maintenance on their Collect & Pay arrangement for more than three months, and 22,000 (around one in seven) had not paid for more than six months.<sup>9</sup>

## Arrears and enforcement

The NAO’s report said the CMS has “improved its collection and enforcement activities and the amount it collects through Collect & Pay enforcing payments has increased.” It added, however, there is “scope to go further”:

- **It can take years before payments are made to receiving parents if the paying parent refuses to comply.**
- **Enforcement of arrears does not always ensure ongoing compliance.**

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<sup>7</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, paras 16-19.

<sup>8</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, para 20.

<sup>9</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, para 21.

- **Enforcement has not been properly built into the Universal Credit system.** The CMS can only deduct a full flat rate £7 of maintenance from a person’s Universal Credit award. It cannot deduct partial deductions.<sup>10</sup>

The report highlighted survey evidence that low-income parents consider affordability of maintenance payments to be a barrier to compliance and are more likely to build up arrears than the higher paid.<sup>11</sup>

The report suggested that unless the Government writes off more CMS debt, outstanding arrears will grow indefinitely and are forecast to reach £1 billion by March 2031 at current rates.” It added:

The Department has no means to stop the [arrears] balance growing; even if its plans to improve compliance succeed, it will only delay the date the level of unpaid maintenance reaches £1 billion to 2034. The Department is in the process of identifying cases where the money owed is “potentially uncollectable”, but it cannot legally write these off and has not decided what to do about them. Its experience of writing off CSA debt shows how parents have strong views both for and against writing off the debt. But in the long run leaving the debt balance to rise may also lead to disappointment and anger by giving the hope of money that never arrives and continuing to chase debt that is not going to be paid.<sup>12</sup>

The chart showing the NAO’s actual and forecast of unpaid child maintenance on Collect and Pay can be found on [page 60 of the NAO report \(PDF\)](#).

A parliamentary question in April 2022 [asked the Government what it made of the NAO’s projection of arrears](#) reaching £1 billion by 2031. In response, the Minister, Guy Opperman, said:

The Department has not forecast caseloads beyond 2025. The National Audit Office (NAO) forecast is a simple linear projection that assumes the legislative and economic environment will remain unchanged over the next nine years and does not account for the Child Maintenance Service’s (CMS) ageing population of qualifying children.

Up to December 2021, the CMS has arranged £5.4 billion of child maintenance and £451 million (8%) was unpaid.<sup>13</sup>

## 1.4

### Previous reform

There has been some reform to the Child Maintenance Service since its introduction in 2012. Information on these reforms can be found in the following Library briefings:

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<sup>10</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, para 22.

<sup>11</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, para 23.

<sup>12</sup> NAO, [Child maintenance: summary](#), HC 1139, 3 March 2022, para 25.

<sup>13</sup> [PQ 154203](#), 14 April 2022.

- [Child maintenance: Calculations, variations and income \(UK\)](#), February 2022
- [Child maintenance: the write-off of arrears on Child Support Agency cases \(UK\)](#), January 2021
- [Child maintenance: Child Support \(Miscellaneous Amendments\) Regulations 2019 \(GB\)](#), March 2020
- [Child maintenance: variations, including the new notional income criterion \(GB\)](#), March 2019
- [Child maintenance: inclusion of earnings from “special occupations” in the 2012 CMS scheme](#), March 2017

## 2

# Parliamentary material

## Parliamentary questions

### Children: Maintenance

**26 April 2022 | 154203**

**Asked by: Dr Rupa Huq**

To ask the Secretary of State for Work and Pensions, what assessment she has made of the National Audit Office's projections of the Child Maintenance Service arrears reaching £1 billion by 2031.

**Answering member: Guy Opperman**

The Department has not forecast caseloads beyond 2025. The National Audit Office (NAO) forecast is a simple linear projection that assumes the legislative and economic environment will remain unchanged over the next nine years and does not account for the Child Maintenance Service's (CMS) ageing population of qualifying children.

Up to December 2021, the CMS has arranged £5.4 billion of child maintenance and £451 million (8%) was unpaid.

### Children: Maintenance

**9 March 2022 | 132249**

**Asked by: Mr Jonathon Lord**

To ask the Secretary of State for Work and Pensions, what steps her Department is taking to increase collection rates of child maintenance payments.

**Answering member: Guy Opperman**

The Child Maintenance Service (CMS) take rigorous action to collect maintenance, combining robust negotiation activity with the highly effective use of its extensive range of Enforcement Powers.

There has been a consistent downward trend in the proportion of unpaid maintenance as a proportion of maintenance arranged, falling from 12.5% in 2017 to 8.5% in September 2021.

### Children: Maintenance

**21 February 2022 | 120688**

**Asked by: Adam Holloway**

To ask the Secretary of State for Work and Pensions, what assessment she has made of the adequacy of the existing legislative powers available to the Child Maintenance Service to assist in recovery of maintenance arrears from self-employed paying parents.

**Answering member: Guy Opperman**

The Child Maintenance Service has robust enforcement measures in place to try and recover arrears, including powers to deduct from a wide range of bank accounts, seizing goods, forcing the sale of a property and disqualification from driving or commitment to prison.

Enforcement actions are considered on a case by case basis, using powers that have the greatest chance of securing money for children.

**Children: Maintenance**

**11 February 2022 | 119710**

**Asked by: Martyn Day**

To ask the Secretary of State for Work and Pensions, what steps her Department is taking to tackle the number of deductions of earnings orders, rather than deductions of earnings requests, being issued by the Child Maintenance Service to the Ministry of Defence's Defence Business Services.

**Answering member: Guy Opperman**

Deduction from Earnings Orders (DEO) are applied as a method of payment where the Child Maintenance Service deducts maintenance directly from the Paying Parent's wages. The DEO is primarily used to enforce payments but can be set up voluntarily. Deduction from Earnings Requests are similar to a Deduction from Earnings Order but used for Paying Parents who are serving members of the Armed Forces. The Child Maintenance Service can only request a deduction to the Ministry of Defence (MOD), unlike civilian employers they cannot order or enforce payment. MOD policy aims to comply with requests however if the Paying Parent is committed to operational duties MOD may suspend the collection of debt.

Child Maintenance Service takes action to ensure the correct method of payment is applied through identifying whether a Paying Parent is in the Armed Forces through its use of Real Time Information (RTI) Data taken from HMRC. This provides up to date information about Pay As You Earn income as the information submitted by employers online is displayed in RTI immediately. To ensure that the correct method of payment is used for a Paying Parent who is serving in the Armed Forces caseworkers are provided with step by step procedural instructions and training.

As at September 2021 Child Maintenance Service had 45,054 Deduction from Earnings Orders and 479 Deduction from Earnings Requests in operation. (source - Published stats – stat-xplore – CMS Paying Parents = method of payments).

### **Children: Maintenance**

**9 February 2022 | 116100**

**Asked by: Dr Kieran Mullan**

To ask the Secretary of State for Work and Pensions, what steps her Department is taking to increase collection rates of child maintenance payments.

**Answering member: Guy Opperman**

The Child Maintenance Service (CMS) take rigorous action to collect maintenance, combining robust negotiation activity with the highly effective use of its extensive range of Enforcement Powers. This approach is driven by the Payment Compliance strategy increasing CMG compliance influencing activities to tackle non-paying cases and challenge non-compliant behaviours.

CMS have worked in partnership with Courts and Enforcement Agents following the restrictions on Enforcement activity during the initial phase of the pandemic in 2020 to quickly return to normal operating practice.

During the quarter ending September 2021 £47.4 million was paid through the Collect & Pay service compared to the quarter ending December 2019 where £44.1 million was paid before the impact of the pandemic took effect. (Source – National Tables – table five ‘Money Due and Paid each quarter’ January 2015 to September 2021).

There has been a consistent downward trend in the proportion of unpaid maintenance as a proportion of maintenance arranged since 2017, falling from 12.5% in 2017 to 8.5% in September 2021 (Source – National Tables - table six ‘how much maintenance CMS has arranged March 2015 to September 20).

### **Children: Maintenance**

**27 January 2022 | 110642**

**Asked by: Olivia Blake**

To ask the Secretary of State for Work and Pensions, what recent assessment she has made of the ability of the Child Maintenance Service to safeguard applicants who are survivors of domestic abuse.

**Answering member: Guy Opperman**

The Child Maintenance Service (CMS) has robust procedures in place to support parents who have experienced domestic abuse.

The £20 application fee is waived for survivors of abuse and a programme of domestic abuse training is delivered to all CMS caseworkers.

Safeguards are built into the system such as non-traceable payment methods to keep parents' locations hidden and the CMS ensures there is no unwanted contact between parents. The Service can also signpost customers to external organisations such as charities and support groups.

### **Children: Maintenance**

**2 December 2021 | 80921**

**Asked by: Mark Tami**

To ask the Secretary of State for Work and Pensions, what assessment he has made of the equity of the proportion of a self-employed parent's income that is payable as Child Maintenance.

**Answering member: Guy Opperman**

The Child Maintenance calculation is designed to be fair and affordable, while ensuring that the paying parent contributes a significant proportion of their income to support their children.

For self-employed paying parents the income used to calculate child maintenance payments is usually provided by HMRC and is the gross taxable profit of the parent's business, for the latest tax-year HMRC hold a complete record. The taxable profits of a business represent the amount from which a business owner can support themselves and meet their outgoings.

### **Children: Maintenance**

**30 November 2021 | 76730**

**Asked by: Karin Smyth**

To ask the Secretary of State for Work and Pensions, how many times the Child Maintenance Service has taken formal action against an employer that has failed to meet the requirements of a deduction of earnings order in each of the last three years.

**Answering member: Guy Opperman**

Child Maintenance Group policy allows for its Financial Investigation Unit to attempt to try and establish compliance in all cases before looking to see if the case may be prosecutable.

If the employer does not comply immediately a warning of Interview Under Caution and possible prosecution is sent. It is only after this notice expires that a notice that we intend to carry out an Interview Under Caution is sent, which would signal prosecution even if the employer then complies.

### **Children: Maintenance**

**21 June 2021 | 17774**

**Asked by: Rachael Maskell**

To ask the Secretary of State for Work and Pensions, how many complaints about child maintenance cases have been received by the Independent Case Examiner in each year since 2010.

**Answering member: Guy Opperman**

Information about the number of complaints received by the Unit is routinely included in the Independent Case Examiner's Annual Report, which is published on gov.uk. The information requested is summarised in the table below.

Please note that the Independent Case Examiner can only review complaints which have received a final response from DWP, as such not all the complaints that are received are accepted for examination.

Year	CSA & CMS Complaints Received
2010/11	2241
2011/12	1670
2012/13	1457
2013/14	1354
2014/15	1169
2015/16	936
2016/17	869
2017/18	896
2018/19	1255
2019/20	1330

2020/21	1465
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**Children: Maintenance**

**25 May 2021 | 4706**

**Asked by: Munira Wilson**

To ask the Secretary of State for Work and Pensions, what assessment has she made of the potential merits of (a) removing or (b) reducing the 25 per cent threshold for in-year reviews for child maintenance payments that would allow the paying parent to request a review as soon as changes in their income make the existing level of payment unaffordable.

**Answering member: Guy Opperman**

The Child Maintenance Service (CMS) keeps all policies and procedures under review. However, it remains the case that the 25 per cent threshold ensures that both parents can continue to budget with certainty, and therefore provide ongoing certainty for the child. Most people's income does not change to this degree over the course of one year. It also ensures that minor changes in income do not interfere with the efficiency of the child maintenance system, increasing costs for the taxpayer. A change will not be considered unless it breaches the 25 per cent threshold.

**Children: Maintenance**

**11 March 2021 | 164668**

**Asked by: Navendu Mishra**

To ask the Secretary of State for Work and Pensions, pursuant to the Answer of 3 March 2021 to Question 160841, what changes her Department is making as part of the overall improvement plan that will support increased compliance of child maintenance payments.

**Answering member: Guy Opperman**

Child Maintenance Service are undertaking a range of changes as part of an overall improvement programme. This includes automation of simpler tasks and an improved digital offer, that will enable caseworkers to focus on more complex areas of work, supporting service improvements and increased compliance.

## Debates

### Topical Questions

**21 March 2022 | House of Commons | 711 c18**

### Child Maintenance Service

**24 June 2021 | House of Lords | Grand Committee | 813 cc160-172GC**

To ask Her Majesty's Government what plans they have to reform the Child Maintenance Service.

### Topical Questions

**8 March 2021 | House of Commons | 913046 | 690 cc517-518**

### Covid-19: Child Maintenance Service

**21 January 2021 | House of Commons | 687 cc1198-1216**

That this House has considered the operation of the Child Maintenance Service during the covid-19 outbreak.

### Child Maintenance Service: Payment Recovery from Absent Parents

**2 October 2019 | House of Commons | Westminster Hall | 664 cc367-384WH**

That this House has considered the performance of the Child Maintenance Service in recovering payments from absent parents.

### Child Maintenance Service

**23 July 2019 | House of Commons | Westminster Hall | 663 cc532-555WH**

That this House has considered the effectiveness of the Child Maintenance Service.

## Early Day Motions

### Child Maintenance

29 June 2020 | EDM 668

That this House notes the £354 million of arrears owed to families under the Child Maintenance Service (CMS) with just £31 million having been collected through enforcement action in the latest quarter; further notes that 43 per cent of cases under Collect and Pay arrangements are not receiving any maintenance; recognises that according to a 2019 study by Hakovirta et al, the full and timely payment of maintenance could lift 60 per cent of families living in poverty out of poverty; further recognises the increased hardship families are facing as a result of covid-19; supports those single-parents seeking a judicial review of the Department for Work and Pensions for their persistent failure to collect maintenance; calls on the Government to take action to secure the maintenance to which families have a legal right, including a root and branch review of the CMS to ensure it works effectively for the children it is supposed to serve, to increase enforcement action against non-compliant, non-resident parents, to improve enforcement powers for the CMS, and to introduce a Minimum Maintenance Payment to provide parents-with-care and their children a guaranteed income to prevent hardship and ensure a dignified standard of living.

## 3 Press material

The following is a selection of news and media articles relevant to this debate.

Please note: the Library is not responsible for either the views or the accuracy of external content.

[DWP child maintenance service blasted by single parents over delays in payment](#)

Paul Hutcheon, Daily Record

26 April 2022

[Parents brand Child Maintenance Service 'an absolute joke' and say it's too easy to dodge payments](#)

Emma Gill, Manchester Evening News

24 March 2022

[How much child maintenance to pay as Government signals changes](#)

Jack Thurlow, Nottingham Post

21 March 2022

[New changes to Child Maintenance Service will see more children benefit from financial support](#)

Linda Howard, Daily Record

15 March 2022

[Number of single parents left without child maintenance payments doubles](#)

Georgia Gilholy, Politics.co.uk

3 March 2022

[Billions written off as child maintenance goes unpaid](#)

Jonathon Ames, The Times (online) [may require subscription]

19 November 2021

[Government must reform the Child Maintenance Service before another mother loses her life](#)

Sarah Davidson, iNews

18 August 2021

[DWP seeks views on modernisation of Child Maintenance Service](#)

Family Law

28 June 2021

[Child maintenance: Mothers take legal action against DWP](#)

BBC

24 June 2020

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## Further reading

### House of Commons and House of Lords Library

House of Commons Library, [Child maintenance: Calculations, variations and income \(UK\)](#)

House of Commons Library, [Child Maintenance: Fees, enforcement and arrears](#)

House of Lords Library, [Changes to the Child Maintenance Service](#)

### Other

Department for Work and Pensions, [Child Maintenance: modernising and improving our service](#), 14 March 2022.

National Audit Office, [Child Maintenance](#), 3 March 2022

- A recording of a talk the NAO gave on the report, provided as part of a House of Commons Library talk series, can be found on the Library training site: [Child Maintenance: the National Audit Office findings](#) (Note, this link may only be accessible to those with a parliament email account).

Public Accounts Committee, [Child Maintenance inquiry: Oral and written evidence](#) (accessed 16 May 2022).

The National Centre for Social Research, [British Social Attitudes: Child Maintenance](#) ([link to PDF](#)), 2021.

Social Security Advisory Committee report, [SSAC Occasional Paper 22: Separated parents and the social security system](#), 22 October 2019 (Last updated 21 July 2020).

Department for Work and Pensions, [Child Maintenance Reforms: 30 Month Review of charging](#), August 2017.

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