

To: Cabinet
Date: 17 April 2024
Report of: Head of Law & Governance
Title of Report: Approval of a Vexatious Behaviour Policy

Summary and recommendations	
Purpose of report:	To approve a Vexatious Behaviour Policy to enable the Council, in exceptional circumstances, to control or place restrictions on the way a citizen interacts with the Council, its officers and councillors.
Key decision:	No
Cabinet Member:	Councillor Susan Brown, Leader
Corporate Priority:	None
Policy Framework:	None

Recommendation: That Cabinet resolves to:
1. Approve the Vexatious Behaviour Policy attached at Appendix 1 and agree its implementation.

Appendices	
Appendix 1	Vexatious Behaviour Policy

Introduction and background

1. It is best practice for a Council to have a policy that sets out how and when it may impose restrictions on members of the public and how they interact with the Council where they are behaving in a way that is abusive, persistent and/or vexatious.
2. Adopting a written policy ensures best practice as:
 - a. It sets out a proportionate and consistent approach when responding to unreasonable complainant behaviour;
 - b. It is transparent so that citizens understand the behaviour the Council will not tolerate and can be shared with citizens if they start to behave unreasonably, can help in managing their expectations and their behaviour as far as possible, while the substance of their complaint is addressed.

- c. It sets out a considered, policy-led approach so that officers understand what behaviour is unacceptable, what options for action are available where behaviour is unacceptable, and who can authorise these actions
- 3. The policy is designed to ensure measures are used as a last resort where significant issues and impacts on the Council are arising because of the behaviour of an individual member of the public.
- 4. The draft policy reflects that recommended and established by the Local Government and Social Care Ombudsman, which can be [found here](#).
- 5. The procedure in the policy ensures decisions are taken by senior officers on advice from the Head of Law and Governance, Information Governance and the Complaints Team.
- 6. The alternative would be to continue without a written policy. Without a policy the Council will find it more difficult to justify the imposition of restrictions on a vexatious citizen and control the impact upon and risks to its officers and councillors. It would also mean a lack of transparency.

Other implications

- 7. There are no other implications arising from the adoption of this report.

Financial implications

- 8. There are no significant financial considerations arising from this report.

Legal issues

- 9. There is no legal requirement to have a policy on unreasonable or unreasonably persistent complainants. However, the adoption of a policy provides a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being overturned by the Local Government Ombudsman.

Level of risk

- 10. Adoption of the revised policy will reduce the risks of:
 - a. Short term disruption to services to other customers that unreasonable complainants may cause;
 - b. Unreasonable complainants being treated inconsistently or unfairly;
 - c. The Local Government Ombudsman disagreeing with the Council's approach.

Equalities impact

An equalities impact assessment is not necessary as the impacts of any restriction will need to be considered on a case-by-case basis when applying to an individual.

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