

Duty of Candour - Apology

For the purposes of the Act, an “apology” means a statement of sorrow or regret in respect of the unintended or unexpected incident that caused harm or death.

An apology or other step taken in accordance with the duty of candour procedure does not of itself amount to an admission of negligence or a breach of a statutory duty.

Sometimes clinical and care staff find it difficult to say sorry when something has gone wrong and harm has occurred. People may be unclear if they can say sorry and worry that the timing for doing this won't be right or that they will make things worse. The 4Rs are an easy way to remember how we can get this right:

Reflect – stop and think about the situation

Regret – give a sincere and meaningful apology

Reason – if you know, explain why something has happened or not happened and if you don't know, say that you will find out

Remedy – what actions you are going to take to ensure that this won't happen again and that the organisation learns from the incident.

It is important that an open and honest apology is provided from the outset as this can reassure an individual and/or their family and will also set the tone for moving things forward from here.

It is important to understand that by making an apology following an event that triggers the duty of candour procedure you are acknowledging that harm has been caused, a mistake has been made and you may be acknowledging emotions that are felt by the individual and/or their family. A meaningful apology can help to calm a person who has become angry or upset. An apology is not an admission of liability in a legal sense.

What is a meaningful apology?

An apology is often the first step in putting things right and can help to repair a damaged relationship and restore dignity and trust.

To make an apology meaningful you should:

- Acknowledge what has gone wrong
- Clearly describe what has gone wrong to show you understand what has happened and the impact for the person affected
- Accept responsibility or the responsibility of your organisation for the harm done
- Explain why the harm happened
- Show that you are sincerely sorry
- Assure the individual and/or their family of the steps you or your organisation have taken, or will be taking to make sure the harm does not happen again (where possible)
- Make amends and put things right where you can

How should I make an apology?

Your apology will need to be based on the individual circumstances. There is no 'one size fits all' apology, but there are some general good practice points.

1. The timing of the apology is very important and should be done without delay
 2. To make the apology meaningful do not distance yourself from the apology or let there be any doubt that you or your organisation accept the wrongdoing
 3. The language you use should be clear, plain and direct
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4. Your apology should sound natural and sincere
 5. Your apology should not question the extent of harm suffered by the person affected
 6. Your apology should not minimise the incident
 7. It is very important that you apologise to the right person or people.

Who should apologise?

The Act states that the responsibility for the apology rests with the responsible person – this is the organisation delivering the service. Within each organisation there will be individuals with delegated responsibility for ensuring that the organisational duties (in this case providing an apology on behalf of the organisation) are met (recognising that there are likely to have been individuals who have provided individual apologies). Your organisation may have guidelines you can use.

For an apology to be effective it needs to be sincere. Sometimes you may need to apologise for an event which is not of your doing – indeed the organisationally focused apology required by the duty of candour procedure will involve this. Sometimes it is the official organisational recognition of the event that will be important to the individual and/or their family.

A more formal apology may come later as part of a meeting with the individual and/or their family but it's important to apologise immediately the event comes to light. When making your apology you should not worry about who is to blame or what has gone wrong but merely apologise for the event occurring.

It is everyone's responsibility to make an apology, where appropriate, and you could include some phrases such as:

'I am sorry that this has happened to you and I'm going to find out what went wrong and come back to you.'

'I am sorry that harm has occurred, let me find out what has happened and come back to you with information.'

Further sources of support

Little Things Make a Big Difference, Power of Apology e-learning module
www.knowledge.scot.nhs.uk/making-a-difference.aspx

Scottish Public Services Ombudsman, Guidance on Apology
http://www.spsso.org.uk/sites/spso/files/communications_material/leaflets_buj/2011_March_SPSO%20Guidance%20on%20Apology.pdf

Healthcare Improvement Scotland, Being Open
<http://www.knowledge.scot.nhs.uk/media/CLT/ResourceUploads/4058625/20150113%20Being%20Open%201.0.pdf>

Scottish Social Services Council - Codes of Practice
<http://www.sssc.uk.com/about-the-sssc/multimedia-library/publications/37-about-the-sssc/information-material/61-codes-of-practice/1020-sssc-codes-of-practice-for-social-service-workers-and-employers>

Scottish Government, Duty of Candour and FAQs
www.gov.scot/topics/health/policy/duty-of-candour

Care Inspectorate
www.careinspectorate.com

Healthcare Improvement Scotland
www.healthcareimprovementscotland.org

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