**The Power of Apology**

**Recommendations**
- apologising is a key part of our lives
- apology can be very powerful when done well
- staff should be empowered to say sorry, even if they are not directly involved
- use the 3 Rs: Regret, Reason and Remedy
- avoid being vague, passive, conditional or empathetic
- it’s not easy to apologise, but it’s everyone’s business

**Introduction**

‘An apology is the superglue of life. It can repair just about anything.’


As children, we are taught to say sorry for our mistakes, but, in our working lives as adults, many of us find saying sorry a real challenge. Used well, an apology can be both very powerful for the patient and empowering for staff.

In her work at the Ombudsman, Dorothy Armstrong, NMAHP Programme Director, provides clinical advice to a team of investigators. This work involves the review of patient records, statements from staff, patients and carers and notes of meetings. In addition, I meet with staff, patients and relatives to provide an independent and impartial service.

Often complaints are not upheld: that is we do not agree with the complainant that there have been failings in the care provided. However, things can and do go wrong. Most complainants are looking for a meaningful apology; they want to be listened to and they want to be reassured that steps are in place to make sure the same mistake does not happen again. Very often a specific time can be pinpointed when an apology might have been given by frontline staff or senior managers, which may have resulted in a complaint being avoided.

**Why do people complain?**

It is important to understand why people complain and what it is they are hoping to achieve. The most common reasons people complain are:

- to avoid the problem occurring again
- to learn lessons
- to be given a full explanation
- to receive feedback
- they feel humiliated, betrayed and hurt
- they want to know what happens next
- to receive a meaningful apology

An apology is often one of the most important issues for complainants. They often describe an apology containing the following elements:

- an acknowledgement of the wrong done
- confirmation they were right
- an understanding of why things went wrong
- an acceptance of responsibility
- a reassurance that the problem has been addressed and will not happen again
- a reconciliation of a relationship
- a restoration of their reputation
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What is an apology?
An apology is a way of communicating a message which includes a number of components: a meaningful apology requires all parts to be present.

The apology should first of all express regret and sympathy as well as an acknowledgement of fault, shortcoming or failing. Omission of one part is a partial apology and is much less powerful than a meaningful apology. The definition of apology is:

’an encounter between two parties at which one party, the offender, acknowledges responsibility for an offence or grievance and expresses regret or remorse to a second party, the aggrieved.’ (Scottish Public Services Ombudsman 2006)

Why apologize?
Many people find it difficult to apologize. People do not like to admit they were wrong for a number of reasons, including hurt, denial, avoidance, fear of rejection and inability to accept responsibility.

Fear of litigation
In my experience, another reason staff do not apologise readily is fear of litigation. There is a strong sense in the NHS that apologising is, in itself, admitting liability and therefore should not be done. However, there is strong evidence that apology is not linked to higher rates of legal action.

Section 2 of the Compensation Act 2006 (an Act of the UK Parliament) reads:

“an apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty”.

This particular section only applies in England and Wales. When the 2006 Act was introduced the accompanying Explanatory Notes said that Section 2 was intended to reflect the existing law. Our understanding is that the law on this point is the same in Scotland as in England and Wales.

The General Medical Council provides helpful guidance for doctors:

‘Patients who complain about the care or treatment they have received have a right to expect a prompt, open, constructive and honest response including an explanation and, if appropriate, an apology.’

The National Patient Safety Agency in their Being Open learning materials states that: ‘apologising to patients is not an admission of liability’.

They go on to say: ‘The Being Open policy advises healthcare staff to apologise to patients, their families or carers if a mistake or error is made that leads to moderate or severe harm or death, explain clearly what went wrong and what will be done to stop the problem happening again.’

In summary, many staff think that they should not say sorry as they may be sued. Saying sorry does not mean admitting liability in terms of the legal world. Even in the USA, there are a number of studies which suggest that being open and honest with patients and relatives when things go wrong can reduce the number of claims against them. In addition, if the quality of the relationship between the doctor and patient is good, and the patient feels their views and values are respected, then the doctor is less likely to be sued (Lazare 2004).

The Australian Ombudsman (2009) provides a powerful example of how a meaningful apology was used and how important being open and honest can be to the relationship between clinicians, patients and relatives.

There were eleven patients given a contaminated solution which had been injected into the heart during cardiac surgery. Five of the eleven patients died following this error. One of the senior staff recalls the events:

One of my senior colleagues called all the families together and he and I sat down with the eleven families and said “This is terrible thing that has happened. It is awful. We are truly sorry that this has happened. We are not going to do another operation until we have got these patients out of the woods. ” And we did not. We said “We are going to leave no stone unturned until we find out what the cause was.” We knew it was an infection, we knew it had occurred somewhere in the processing of that solution, which was beyond our control as individual clinicians. But we said sorry. None of those patients took legal action.

And we know from our work here that complainants want a meaningful apology, lessons to be learned and to prevent the same mistake happening again.
What are the elements of a meaningful apology?

Once the decision has been made to accept things have gone wrong, a meaningful apology can have a powerful effect for both parties. Box 1 shows the elements of a meaningful apology.

Box 1

Elements of a meaningful apology

- An acknowledgement of the wrong doing. Whether or not this was intentional, an apology must correctly describe the offending action or behaviour. The description must be specific to demonstrate an understanding of the offence. It must also acknowledge the resulting impact on the aggrieved.
- Accepting responsibility for the offence and the harm done. This includes identifying who was responsible.
- A clear explanation as to why the offence happened. This should show that the offence was not intentional or personal. Although most people will want an explanation, this is not always the case. Also if there is no valid explanation, then one should not be offered. The offender may wish to say that there is no excuse for the offending behaviour.
- Expressing sincere regret. This demonstrates that the offender recognises the suffering of the aggrieved and is sorry. It can be difficult to express sincere regret in writing – face to face can be more powerful.
- An assurance that the offence will not be repeated. This may include a statement of the steps that have or will be taken to put things right.

Scottish Public Services Ombudsman (2006)

The 3 Rs - A tool for staff

Regret, Reason and Remedy

This tool can be used everyday in practice and has the power to de-escalate anger and aggression and diffuse emotion, and will enable and empower staff to manage conflict and resolve tension.

Box 2

3 Rs REGRET REASON REMEDY

Regret

Meaningful, real, acknowledge wrong doing
Just say sorry
Accept responsibility

Reason

Be honest – doesn’t mean you will be sued
Unintentional and not personal
Trying hard to do the right thing

Remedy

Next steps – who will do what
Investigate to find out why
Provide feedback

Remedy

Try to resolve the mistake there and then, if you can. Ask the complainant what they would like to happen and take responsibility to investigate, if required, and to provide feedback to them as soon as is practicable. Encourage colleagues to be proactive too.

Use this tool at work and try it out at home and with your friends. I have found this tool particularly effective with my teenage children – take a deep breath and try it too!

Is it ever too late to apologise?

Apologies are best given at the earliest opportunity, as soon as a wrong doing is identified. However, sometimes this is not possible as an enquiry or investigation may be required.

Because complaints must go through the local complaints process before coming to the Ombudsman, a considerable time may have passed before the complaint has been fully addressed. The role of the Ombudsman is to decide if a complaint is upheld or not and to make recommendations for the future. Very often, one of our recommendations may include asking the organisation to provide a meaningful apology and we provide guidance (SPSO 2005).

It is never too late to apologise.

Scottish Public Services Ombudsman (2006)
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How should we deliver an apology?

How should an apology be delivered? The ‘devil is in the detail’ is an important principle here. The content and method of apologising will depend on the circumstances and what you hope to achieve, however there are some good generic principals.

Providing a meaningful apology is part of good interpersonal and communication skills and can be taught and rehearsed as part of the pre-registration curriculum and in continuing professional development. Role play, observation, simulation and media such as film and drama can be used to encourage staff to practice their skills. Also using tools such as the 3Rs, staff can practice techniques at home as well as at work. How many times have you witnessed a good or bad apology in the service industries such as in shops or restaurants?

Timing, tone of voice as well as content and body language for verbal communication is important. Ensuring that both you and the complainant are as calm as possible is important to ensure the situation does not escalate. However, the very act of saying ‘I’m sorry’ is often enough to calm everyone down and move on towards reaching a solution to the problem which has been identified.

Who should give the apology?

Apologies should be given by the right person. That is either the person who is responsible for the mistake or the person who is seen as speaking on behalf of the organisation.

The method is important too: a written apology implies the seriousness of the matter and recognises the time and effort in the writing of the letter. Saying sorry verbally is often the right approach if a person wants to express their hurt or humiliation.

The most effective apology is to provide a verbal apology, followed up by a written, detailed letter.

It is important to recognise that something has gone wrong by acknowledging the wrong doing, even if you are not at fault.

Summary

In my work at the Ombudsman, I often hear people say that they have not been listened to and they feel humiliated and powerless: that if only staff involved in a mistake or wrong doing, had been honest and open and provided an apology, they would not have continued to complain.

Apologies, like people, are both simple and complex and each apology is unique. Many factors must be considered, such as the nature of the mistake from the minor offences such as delays in being seen, unappetising food to the more serious unprofessional behaviour or drug error. Mistakes can be made by one member of staff, the team or there may be systemic failure within an organisation. However, a successful apology can be a positive experience for all parties.

References


National Patient Safety Agency


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