

ANNEX E - MAKING A MEANINGFUL APOLOGY

It is of fundamental importance that the service user /person acting on their behalf receives a sincere apology in a timely manner that is clear and made in an emphatic way. The objective here is to address the need for information, clarify what has happened and to enable the recipient the opportunity to process what has happened in a supportive environment.

Preparation

It is essential to take the time to prepare for the communication with the service user/person acting on their behalf and any family members. Plan out what you are going to say and discuss this with a senior or peer. Ensure you have adequate time and are not distracted or likely to be interrupted. Being mentally 'present' and able to concentrate is very important part of your preparation. Also think about the needs of the service user/person acting on their behalf – what information do they need and how and what support may they need? (Refer to part 7 of the candour guidance document).

What has happened (be clear what is known and what is not yet known), **Who** is best to deliver this information, **When** is it best to deliver this and **How** you intend to deliver this. It is important to recognise that the '**Why** this has happened' is the purpose of the investigation process and not usually part of the apology at this early stage. Although it is common for Service Users/person acting on their behalf to ask this at this stage. It is acceptable to be honest and say that you are not certain of that at this point in time.

Delivery

You are imparting 'bad news' to a service user/person acting on their behalf, sometimes they are aware of an unexpected or unintended harm but not fully aware of the circumstances or they can be unaware of the unintended or unexpected harm outcome that has occurred. Be clear and factual and avoid jargon. Starting with an introduction of who you are and checking who it is you are talking to and who else is present.

Explain the reason why you are talking to them.

Inform the Service User of the unintended or unexpected harm and what actually is known to have occurred. Show that the circumstances and the impact for the person affected are understood e.g. 'you were left not knowing what was happening'

Accept and acknowledge what should have happened 'We should have explained exactly what was going to occur to you'

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(Continued)

Apologise sincerely with empathy, using your body language and words carefully to reinforce the genuine nature of the apology. e.g. I am sorry that this has happened to you / I am deeply sorry for your experience / I apologise unreservedly for the distress and suffering this has caused you and your family.

Personalise the apology rather than a general expression of regret about the incident on the Organisations or another's behalf as this does not mean that you are taking personal responsibility.

Allow time for the service user and those present to process what you have said. Ask them if they understand what it is you have told them?

Ask them whether they have any questions. Show respect for, and respond to questions sensitively.

Explain the next steps of the Duty of Candour Procedure – written letter in two working days confirming today's conversation and further information about the intended incident review process.

Making an apology is not accepting blame, culpability or legal liability. Refer to section 7e of the guidance for further detail.

People receiving this type of news can demonstrate the whole spectrum of responses and you must be prepared and planned how you are going to respond to these. Ensure you are safe and where possible it is always helpful to have a colleague with you.

Conclude the conversation sensitively bringing things to a natural close.

e.g. I am truly sorry that this has happened to you and I am going to find out what happened and come back to you. In the meantime, my/your point of contact details are Please do not hesitate to contact me if you have any questions during this time. I will also follow our conversation up with a letter setting out everything you need to know about the duty of candour procedure and the next steps we are going to be taking.

Documentation

In accordance with Regulation 9 of the Candour Procedure (Wales) Regulations 2022, written records must be kept of the application of the duty of candour procedure. This includes documenting the apology. It is recommended that the conversation is carefully documented on the patient care record and on the incident record via Datix Cymru so that others involved in the clinical care or review of the incident can see that an apology has been given.