GUIDANCE ON ISSUING AN APOLOGY

Introduction

When my office investigates a complaint and finds that a problem has not been resolved I often recommend that the organisation offers an apology. In these circumstances the complainant has very often been waiting a considerable period of time for someone to provide a full explanation as to what went wrong and to apologise for the mistakes that have been made.

This guidance note sets out what an apology is and what you need to do for an apology to be meaningful.

What is an apology?

An apology means accepting that you have done wrong and accepting responsibility for it. It can be defined as a ‘regretful acknowledgement of an offence or failure’. Mistakes can be made by one member of staff, a whole team or there may be systemic failures within an organisation. When things do go wrong most people who have had a bad experience may want no more than to be listened to, understood, respected and, if appropriate, given an explanation and an apology.

Why apologise?

In many cases an apology and explanation may be a sufficient and appropriate response to a complaint. The value of this approach should not be underestimated. A prompt acknowledgement and apology, where appropriate,
can often prevent the complaint escalating. It can help restore dignity and trust and can be the first step in putting things right.

**What are the implications of an apology?**

Although there is no legislation in this area of law which applies specifically to Northern Ireland, the Compensation Act 2006 governing England and Wales states that ‘an apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or statutory duty.’ The timely provision of a full apology may in fact reduce the chances of legal action being taken against public bodies.

An apology should not be regarded as a sign of organisational weakness and can benefit the public authority as well as the complainant by showing a willingness to

- Acknowledge when things have gone wrong
- Accept responsibility
- Learn from the maladministration or poor service
- Put things right

**What is a meaningful apology?**

The most appropriate form and method of communicating an apology will depend on the circumstances of a particular case. To make your apology meaningful you should do the following.

- Accept you have done wrong. You should include identifying the failure along with a description of the relevant action or omission to which the apology applies. This should include the failings that I have identified in my investigation that warrant an apology. Your description must be specific to show that you understand the effect your act or omission has had on the complainant. It must also acknowledge that the affected
person has suffered embarrassment, hurt, anxiety, pain, damage or loss.

- Accept responsibility for the failure and the harm done.

- Clearly explain why the failure happened and include that the failure was not intentional or personal. If there is no explanation however one should not be offered. Care should be taken to provide explanation rather than excuses.

- Demonstrate that you are sincerely sorry. An apology should be an expression of sorrow or at the very least an expression of regret. The nature of the harm done will determine whether the expression of regret should be made in person as well as being reinforced in writing; or just made in writing.

- Assure the complainant that you will not repeat the failure. This may include a statement of the steps that have been taken or will be taken to address the complaint, and, if possible, to prevent a reoccurrence of the problem.

- Provide the complainant with a statement of the action taken or specific steps proposed to address the grievance or problem, by mitigating the harm or offering restitution or compensation.

How should I make an apology?

Each complaint is unique so your apology will need to be based on the individual circumstances. It is important that when you are making an apology, you understand how and why the person making the complaint believes they were wronged and what they want in order to put things right. An apology therefore should express regret and sympathy as well as acknowledgment of fault, shortcoming or failing. Failing to acknowledge the complainant’s whole
experience is only a partial apology and much less powerful that a complete apology.

There is no ‘one size fits all’ apology but I would include the following points as reflecting some general good practice.

1. The timing of an apology is very important. Once you establish that you have done wrong, apologise. If you delay you may lose your opportunity to apologise.

2. The language you use should be clear, plain and direct.

3. Your apology should not be conditional by qualifying the apology by saying for example: ‘I apologise if you feel that the service provided to you was not acceptable’ or ‘if mistakes have been made, I apologise’.

4. To make an apology meaningful do not distance yourself from the apology. Generalised apologies such as ‘I am sorry for what occurred’ or ‘mistakes were made’ do not sound natural or sincere. It is much better to accept responsibility and say ‘It was my fault’

5. Avoid enforced apologies such as ‘I have received the Investigation report from the Commissioner and am therefore carrying out his recommendations by apologising to you for the shortcomings identified in his report’.

6. It is also very important to apologise to the right person or the right people.

Who should apologise?

If, in my Investigation Report I have made a recommendation that an apology should be provided to the complainant, then I would expect to see the Chief
Executive or Director or Head of Department of the Body involved making the apology.

Who should receive the apology?

The apology should be sent directly to the complainant who is named in the Investigation Report. I will not, as a matter of course, review apologies prior to them being issued. However in order that I am able to monitor compliance with the recommendations that I have made, I would expect to receive a copy of the apology letter within the timeframe stated in my report.

The benefits to organisations of apologising

It is important to remember that an apology is not a sign of weakness or an invitation to be sued. It can be a sign of confidence and competence and it can demonstrate that you are willing to learn when something has gone wrong. It can also show that you are committed to putting things right. To apologise is good practice and is an important part of effectively managing complaints where an organisation has failed.

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