

Saying Sorry

Saying sorry when things go wrong is vital for the patient, their family and carers, as well as to support learning and improve safety. Of those that have suffered harm as a result of their healthcare, fifty percent wanted an apology and explanation. Patients, their families and carers should receive a meaningful apology – one that is a sincere expression of sorrow or regret for the harm that has occurred.

Warning
from claims

Resolving
disputes fairly

Professional
advice

Encouraging
safer care

Protecting
NHS resources

Learning
for

Warning
for care

Resolving
disputes fairly

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How should this happen?

Verbal apologies are essential because they allow face-to-face contact between the patient, their family and carers and the healthcare team. This should be given as soon as staff are aware an incident has occurred. A written apology, which clearly states the healthcare organisation is sorry for the suffering and distress resulting from the incident, must also be given.

Who should say sorry?

Information about a patient safety incident must be given to patients and their families in a truthful and open manner by an appropriately nominated person. Staff may be unclear about who should talk to patients when things go wrong and what they should say; there is the fear that they might upset the patient, say the wrong things, make the situation worse and admit liability. Having a local policy that sets out the process of communication with patients and raising awareness about this will provide staff with the confidence to communicate effectively. The local policy should state who is the most appropriate

member of staff to give both verbal and written apologies to patients and their families; the decision should consider seniority, relationship to the patient, experience and expertise. Most healthcare provision is through multidisciplinary teams so any local policy on openness should apply to all staff that have key roles in the patient's care.

What if there is a formal complaint or claim?

Poor communication may make it more likely that the patient will pursue a complaint or claim. It is important not to delay giving a meaningful apology for any reason, including where there is a formal complaint or claim. It is also essential that any information given is based solely on the facts known at the time. Healthcare professionals should explain that new information may emerge as an investigation is undertaken, and that patients, their families and carers will be kept up-to-date with the progress of an investigation.

Is an apology the same as an admission of liability?

Saying sorry is not an admission of legal liability; it is the right thing to do. The NHS LA is not an insurer and we will never withhold cover for a claim because an apology or explanation has been given. The NHS LA claims teams are always happy to provide support and advice where there is a potential claim.

What about the staff involved?

Healthcare organisations must create an environment in which all staff, whether directly employed or independent contractors of NHS care, are encouraged to report patient safety incidents. Staff should feel supported throughout the investigation process because they too may have been traumatised by being involved. Sometimes patients can suffer significant harm. In these circumstances, the member(s) of staff involved may find it hard to participate in the discussion with the patient and their family. Every case needs to be considered individually, balancing the needs of the patient

and their family with those of the healthcare professional concerned. In cases where the healthcare professional responsible wishes to attend the discussion to apologise personally, they should feel supported by their colleagues throughout the meeting. In cases where the patient and their family express a preference for the healthcare professional not to be present, it is advised that a personal written apology is handed to the patient, their family and carers during the initial Being Open discussion.

For more information

Being Open Guidance (National Patient Safety Agency)

www.nrls.npsa.nhs.uk

Reports and Consultations on complaint handling (Parliamentary and Health Service Ombudsman)

www.ombudsman.org.uk

Review of the NHS Hospitals Complaints System Putting Patients Back in the Picture (Clwyd and Hart)

www.gov.uk

Key messages

Timeliness: The initial discussion with the patient and their family should occur as soon as possible after recognition that something has gone wrong.

Explanation: Patients and their families should be provided with a step-by-step explanation of what happened, that considers their individual needs and is delivered openly.

Information: Patients and their families should receive clear, unambiguous information. They should not receive conflicting information from different members of staff. The use of medical jargon and acronyms, which they may not understand, should be avoided.

On-going support: Patients and their families should be given a single point of contact for any questions or requests they may have. They should also be provided with support in a manner appropriate to their needs. This involves consideration of special circumstances that can include a patient requiring additional support, such as an independent patient advocate or a translator.

Confidentiality: Policies and procedures should give full consideration of, and respect for privacy and confidentiality for the patient, their family and staff.

Continuity of care: Patients are entitled to expect that they will continue to receive all usual treatment and continue to be treated with dignity, respect and compassion. If a patient expresses a preference for their healthcare needs to be taken over by another team, the appropriate arrangements should be made for them to receive treatment elsewhere.

“Achieving timely and fair resolution, enhancing learning and improving safety.”