

Guidance on issuing an apology

When the Ombudsman investigates a complaint and finds maladministration, she may recommend that the public service provider offers an apology. In these circumstances the complainant may have been waiting a considerable period of time for the organisation to provide a full explanation as to what went wrong and to acknowledge any failings.

What is an apology?

An apology 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 simply seek an acknowledgement and, if appropriate, to be 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 in the public service provider 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 litigation.

What is a meaningful apology?

Each complaint is unique so your apology will need to be based on the individual circumstances. It is important when you are making an apology, you understand how and why the person making the complaint believes they were failed and what they want in order to put things right. Failing to acknowledge the complainant's whole experience is only a partial apology and therefore less effective.

To make an apology meaningful you should:

- 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 any failings that the Ombudsman identified in her 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 if appropriate, that the affected person has suffered disappointment, hurt, anxiety, upset or loss.
- 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 full explanations 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 simply in writing.
- Reassure 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 failure, and, if possible, to prevent a reoccurrence.
- Provide the complainant with a statement of specific steps proposed to address the grievance or problem, by mitigating the harm or offering a remedy.

How should I make an apology?

There is no 'one size fits all' apology but the following points reflect 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 by stating 'It was my fault'.

5. Avoid enforced apologies such as 'I have received the Investigation report from the Ombudsman and am therefore carrying out her recommendations by apologising to you for the shortcomings identified in her report.'
6. It is also very important to apologise to the right person or the right people.

Who should apologise?

If, in her Investigation report, the Ombudsman has made a recommendation that an apology should be provided to the complainant, then we would expect to see the Chief Executive, Director or Head of Department of the public service provider involved making the apology.

Who should receive the apology?

The apology should be sent directly to the complainant who is named in the Ombudsman's Investigation report. We will not, as a matter of course, review apologies prior to them being issued. However, in order to monitor compliance with the Ombudsman's recommendations, we would expect to receive a copy of the apology letter within the time required by the Ombudsman.

The benefits to organisations of apologising

It is important to remember that an apology is not a sign of weakness or an encouragement to take legal action. An apology can be a sign of confidence and competence and demonstrates a willingness to learn from mistakes and a commitment to put things right. To apologise in a fulsome and timely manner is good administrative practice and is an important part of effectively managing complaints.

Contact Details

You can contact us in the following ways:

- Freepost:** Freepost NIPSO
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- or
By calling, 9.00am & 5.00pm, Monday to Friday,
at the above address.