

Why Saying Sorry is not a blame game

Sands statement

Sands has supported parents, who have experienced the devastating death of their baby around the time of birth, for more than 40 years. In all our work, parents have consistently told us that the words they value hearing from a friend, a family member or health professional is the word 'sorry': 'I am sorry to hear about your baby'; 'I am sorry your baby has died'.

When people around them struggle to express sorrow, because they are looking for the right words in a difficult and new situation, it can feel very hurtful to parents. Health professionals may feel awkward about using the word 'sorry' because it could be interpreted as an admission of liability. It is not. In UK law (except in Northern Ireland) saying sorry does not mean you are admitting blame (see below).

We, at Sands, would be sorry if hospital staff felt unable to say something that is quite simply an expression of human empathy and compassion at a devastating time in a parent's life.

GMC and NMC guidance

Openness and honesty when things go wrong 2015 (p.3)

"Apologising to a patient does not mean that you are admitting legal liability for what has happened. This is set out in legislation in parts of the UK and the NHS Litigation Authority also advises that saying sorry is the right thing to do."

[Read more](#)

England/Wales:

Compensation Act 2006 Section 2

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

[Read more](#)

Scotland:

Apologies (Scotland) Act 2016 Section 1

"In any legal proceedings to which this Act applies, an apology made (outside the proceedings) in connection with any matter

(a) is not admissible as evidence of anything relevant to the determination of liability in connection with that matter, and

(b) cannot be used in any other way to the prejudice of the person by or on behalf of whom the apology was made."

[Read more](#)