

CRISIS COMMS AND RESPONSE IN THE 'ALWAYS ON' DIGITAL WORLD

Insight

Legal Briefings - By **Andrew Procter and Anna Sutherland**

Your core tactics and considerations when corporate crisis hits. Keep your reputation intact in the court of social media

In an 'always on' digital world: in the event of a crisis bad news travels fast and although you shouldn't always believe the hype, worst case scenario headlines can have tremendous influence on public perception. It therefore becomes critical for an organisation, of any size, to have a crisis management communications plan that can be executed beyond 'typical' working hours.

For organisations to do this in a timely, effective and sustained manner that achieves balance between compliance and practical empathy, a response team should first consider their communication strategy in a legal context.

- Check the governing law and consider the laws of privilege in the relevant jurisdictions which are impacted by the crisis. Consider instructing local counsel to help navigate the immediate issues.
- Be responsive: establish what is it that you must do or say and to whom. Define notification models to communicate in real time, ensuring robust regulatory investigation and management protocols.
- Decide if and how you should go further than required, using appropriate media. Avoid over promising by preparing holding statements that ensure legal privilege. Hastily created communications and ill-prepared spokespeople are never as effective as those planned and rehearsed in advance.

- Ensure consistent and coordinated communications, providing guidance and support to employees, supply chain members, subsidiaries, local communities and those directly affected.
- Gather local and global intelligence. Knowing what is being said by others in the media including, politicians, regulators, clients and customers, those directly affected, other companies, competitors, etc., will enable you to accurately adapt your strategy and tactics.
- Complement your messages with action. 'Business as usual' can be contrary to your crisis solution. Ensure those implementing the crisis management plan regularly check in and are empowered to pause to review the strategy and make changes where appropriate to avoid 'battle fatigue'.
- Each crisis will be unique: being transparent with developments, however long they may take, and adapting key messages that retain legal privilege as things unfold can result in successful, long term, damage limitation.

Preparing and practicing a crisis communications plan should be seen as an essential investment: vital to the longevity of any business. It is tempting for leadership to think "it won't happen to us" or "if something does happen, we'll deal with it pretty easily". Organisations need to contemplate the 'impossible', prepare for it and recognise that having a communications strategy, is an essential part of doing business in this unprecedented risk landscape.

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ANDREW PROCTER
PARTNER, LONDON

+44 20 7466 7560
Andrew.Procter@hsf.com



**ANNA
SUTHERLAND**
MANAGING PARTNER,
DISPUTES, AUSTRALIA

+61 2 9225 5280
Anna.Sutherland@hsf.com