Communications in a crisis

This Guidance Note was written by the LexisNexis team.

The global COVID-19 pandemic is a rapidly changing situation, with government guidance and regulation evolving on a day-to-day basis. As law firms and businesses strive to adapt to new circumstances, it is important to ensure that staff know what to do, and clients understand how they can continue to engage with you for the duration of this crisis.

For the first time in history, almost every New Zealand law firm is operating remotely and working with clients in a very different way than most are used to. At the same time, information (sometimes incomplete or wholly inaccurate) is everywhere, being delivered in a myriad of methods via a range of media.

Creating effective and meaningful internal and external communication has never been so important.

This Guidance Note is designed to outline how to manage internal and external communications during a crisis, and how to draft effective messages to key stakeholders.

What is crisis management?

Unforeseen and unwelcome events can impact on an organisation at any time. In some cases, you may have some warning (for example, an industrial dispute or a failure in your supply chain), in others you won't. Natural disasters, accidents, stakeholder activism, crime, the loss of a key partner or contract and economic pressures are just some of the things that could precipitate a crisis situation that may cause damage to your reputation and lost earnings.

The current COVID-19 pandemic involves several of the above examples, making effective crisis management a key skill.

Crisis management involves:

- identifying a crisis;
- forming a crisis team;
- monitoring the situation;
- taking restorative action;
- communicating to stakeholders; and
- post-crisis, learning from the experience and adjusting the way you work if necessary.

Why is communication important?

Communicating effectively and managing the messages you share with stakeholders will help to ensure your firm can continue to operate, and your clients can continue to work with you during a crisis. Effective and meaningful communication establishes a sense of trust and reliability which challenging circumstances might otherwise erode.

One of the first things your crisis team needs to do is to create a mission statement, agreeing the team's purpose, objectives and the top two or three messages you want to share with your audience.

You then need to define all your audiences, who may include:

- employees;
- customers;
- members of the public;
- the media;
- government representatives and/or regulators;
- emergency services;

- special interest groups;
- activists; and
- analysts and investors.

For each audience, you need to agree *what* the message should be,*who* is going to deliver it, *how* they will do this and *when*.

Communicating with staff:

With COVID-19 measures requiring remote working, the manner of written communication becomes even more important. Whereas under normal circumstances staff can often clarify points with the author of written communication in person, or even through discussion with teammates, this becomes more challenging when working from home.

It is vital that all email and other communications are thoroughly reviewed for clarity by a nominated person. Having one person designated as a communications officer will help to ensure messages to have a consistent tone and message, and that they don’t dilute or contradict any earlier statements.

Ensure that all people managers are briefed on major communications before they are sent and encourage them to follow up with their direct reports to check if they have questions.

Holding daily team standup meetings (virtually, in a remote working environment) for 10-15 minutes with no fixed agenda is an excellent opportunity to re-state or clarify important messages and to allow people the opportunity to ask questions or share feedback.

The same advice applies regardless of the size of organisation. A smaller firm may consist of fewer people, but the need to keep staff well informed in a clear, structured manner is no less important.

Writing effective messages:

When drafting messages to staff, consider these questions:

- How will your audience receive this message? Will they feel positive, negative or indifferent? Make sure you consider this before you start writing.
- How much time do you think your audience will be able to give to reading your message? Make sure you tailor the length and medium of your message to suit.
- Can you incorporate visuals into your communication? Using pictures will help your message get through and be remembered more easily. Posters, messages on your intranet and desk-drop leaflets can all help. If you need to release a series of announcements, say on a new way of working, then you could even consider getting a logo designed for the initiative.
- What is the main idea you want to convey, or action you want people to take? Start your message with this information, and then add any important supporting points, such consequences or reasons to take action. Finally, include any further detail, such as the context or decision-making process.
- Who is the best person to deliver the message? Sometimes you can appoint champions to get your message across to their peers or use leaders in your business to communicate on your behalf with their teams. In other scenarios, you might find it more impactful to send a message yourself, either because they should come from you (eg changes in your own team), or because it helps to build your profile in the organisation (eg launch of a new improvement initiative). Equally, this may be a chance to develop someone in your team by letting them lead the communications.

Creating your message—some quick do's and don'ts:

Do:

- make your key point at the start of the message;
- highlight any next steps or actions the recipient must take;
- explain why these steps are important;
- make it clear if there are no next steps;
- make it clear if there are consequences for not acting as directed;
- be sensitive in difficult situations;
- work with HR if you are communicating changes in structure or terms of employment;
- build in time to get feedback from other people;
- avoid writing any email more than 150 words long;
- make any reminders and follow-up notes shorter than the original message;
- use supporting pictures, as well as words;
- remember people may use tablets and smartphones for work email, so check what your electronic communications look like on smaller formats;
- use bullet points and plain English throughout; and
- make it clear if you are communicating with an audience in confidence or under embargo (though take into consideration that your message may still leak).

Don't:

- use humour unless it is appropriate, and you have tested it with your audience;
- use legalese unless it is absolutely necessary;
- use internal acronyms and jargon, they will alienate anyone who doesn't know what they mean;
- send out any communications that haven't been proof-read by at least one other person;
- send out messages on a Monday morning unless you absolutely must;
- say anything in widely-broadcast message that you would not be happy to say in front of the press or a customer—messages do leak.

Communicating with clients:

When planning for any kind of crisis:

- For all communications sent on behalf of the firm, nominate a single spokesperson (e.g. Managing Partner) and address all client-facing communications from them.
- Keep it simple rather than using lots of jargon or statistics.
- Where appropriate, have an appropriate member of staff follow up with a personal note offering to answer any questions.
- Your spokesperson will likely not be the person approached by clients, the media and members of the public. Make sure all staff are briefed with a short and sensible answer to any enquires and know how they should pass enquiries on. A phrase such as: 'Of course we're working on X, my colleague would be more than happy to tell you more about it, can I take your details so they can give you a call?' gives a better impression than: 'I've been told I can't talk about X'.
- Media training for key staff may be beneficial if there is likely to be media interest.
- Agree your position promptly, be open and honest ensure everyone in client-facing roles is comfortable fielding queries.
- Make sure you keep updating your audiences on actual developments. Keep updates regular and focused on actions you're taking, but don't communicate just for the sake of it.
- You need to keep the lines of communication open. Monitor media coverage. Listen to employees and other stakeholders. Ensure different teams in your business are sharing information and keeping the crisis team up to date.

What role does social media play?

In times of global crisis, many people turn to social media for information. However, the volume of information can be overwhelming and, at times, misleading.

It pays to use social media channels with caution and to recognise that your message may be lost in the crowd if not properly planned.

You may wish to use social media channels such as your firm's Linkedin or Twitter account to share relevant information including regular, reliable updates about key developments and how service may be impacted.

Be sure to keep these updates clear, concise and brief. Stick to stating facts and avoid giving what may be construed as legal advice over social media. Do not feel you need to commit to giving lengthy daily updates.

When briefing staff about the use of social media in response to a crisis, it may be appropriate to give them some guidelines about what they can say and to encourage their participation.

How can I prepare for a crisis?

All organisations, regardless of size, should have contingency plans in place to allow for an effective crisis response.

Review your firm's Business Continuity Plans for applicable information or planning documentation which you can use for the current COVID-19 pandemic situation.

The COVID-19 pandemic is an unprecedented global event and, as such, few organisations had specific plans in place to address this exact situation. However, there are themes which are common to all crises and a general plans' guidance can be adapted.

It is never too late to start planning for a crisis. Even once it has started you can still ask the following questions and change your approach.

Consider the questions you would ask yourself before a crisis and how you would answer them differently now, in the context of COVID-19:

Checklist:

- Planning for potential disasters—what could go wrong? Do you know how you would respond? Are you able to access key information (personnel contact details for, for example) in a disaster situation?
- Identifying a crisis—what has happened? What's the likely impact on your business? What are the financial repercussions? Is this serious enough to warrant specialist communications support?
- Forming the crisis team—who's involved? What are their skills? What are their roles in the team? Who has been media trained?
- Putting together a mission statement for the crisis team—what's the team trying to achieve? What are the obstacles? What are the top two or three messages you need to get across?
- Monitoring the situation—who is doing this? Are you monitoring social media, such as Twitter, as well as the press?
- Identifying your audiences—who do you need to talk to? What is the impact of the situation on them? How will you reach them?
- Planning your messages—what are you trying to communicate? How is this different for each of your audiences?
- Drafting your messages—is your language simple and easy to understand? Have you checked your legal position? Are you being open and honest?

- Briefing employees outside the crisis team—what is your message to them? Have you given them guidelines on how to talk to people outside the company? Have you given them guidelines on talking about the situation on social media?
- Post-crisis—what have you learnt? What did you do well? What would you have done differently? How can you prevent this situation arising again?

As the COVID-19 crisis develops and New Zealand settles in for a potentially lengthy period of disruption, there is time to take stock of your response to date, and to build on it.