

SLAPPs Taskforce workplan

The Taskforce considers SLAPPs against journalists to be an abuse of the legal process, where the primary objective is to harass, intimidate and financially and psychologically exhaust journalists, via improper and costly legal intervention.

The Taskforce Terms of Reference state that it will pursue the following four objectives:

- The Taskforce will explore ways to increase understanding of the prevalence of SLAPPs actions launched in the UK against journalists and the characteristics of such cases.
- The Taskforce will consider measures to ensure that judges, legal services professionals and regulators are confident in recognising and handling SLAPPs cases.
- The Taskforce will explore ways to increase journalists' confidence in pre-empting and recognising when action taken against them should be treated as a SLAPP and where they can access support.
- The Taskforce will promote the UK's position as a world leader in tackling SLAPPs to deter claimants seeking to abuse the UK legal system.

Following discussions between the Taskforce members about the nature of SLAPPs against journalists and the impact on press freedom, four workstreams have been identified: 1) evidence gathering; 2) guidance for journalists; 3) legal services ethics; and 4) raising awareness. These have been tested with a sub-group of journalists who have been subjected to SLAPPs. Workstreams and outputs will be delivered over the 12 month timespan of the Taskforce.

Each workstream will be chaired by a permanent member of the Taskforce supported by relevant Taskforce members to drive forward its work. Workstreams will not be exclusive and collaboration across the whole of the Taskforce is expected as outputs are developed and delivered. It is likely that the Taskforce will also invite other individual external stakeholders to inform its outputs, including further engagement with journalists, legal services firms, and publishers.

At the end of the Taskforce's twelve month period, it will publish a brief report which will summarise its key outputs as well as identifying areas that may be considered in future to tackle SLAPPs against journalists. The Taskforce secretariat will be responsible for writing this report with input from all Taskforce members.

Workstreams

Workstream 1: Understanding and monitoring the prevalence and nature of SLAPPs

Summary: There are currently gaps in our understanding of the prevalence of SLAPPs against journalists in the UK, in particular, the number of cases that are resolved before going to court, whether via settling or succeeding in silencing journalists.

Objective: The Taskforce will increase understanding of prevalence by monitoring SLAPPs cases and their characteristics.

Outputs:

- Confidential evidence base of SLAPPs reported by journalists, hosted by NUJ, building on the evidence base created by the FPC.
The NUJ's future online data-gathering tool will be a vehicle for journalists to confidentially self-report SLAPPs, including pre-litigation. Information gathered could include the nature of the story, a description of the SLAPPs tactics, the names of the claimant's legal firm, whether the journalist is freelance or employed, geographical location (due to concerns over the difficulties faced by small publishers).

Workstream lead & members

Lead: National Union of Journalists

Members: Reporters Without Borders, Foreign Policy Centre, English PEN, Index on Censorship, Society of Editors, Solicitors Regulatory Authority, Bar Standards Board, Publishers Association

Workstream 2: Guidance for journalists

Summary: Journalists can be unclear about when legal threats constitute SLAPPs, what their rights are when faced with SLAPPs, where they can find support and what action to take.

Objective: Increase clarity over the characteristics of a SLAPP and the type of legal activity which constitutes a SLAPP; how journalists can protect themselves from a SLAPP; identify stories that may be vulnerable to SLAPPs; the steps they can take if they've received a SLAPP, including where to access support, and what action they should expect from employers.

Outputs:

- Factual guidance for journalists hosted by Taskforce members including the NUJ / SoE online safety toolkit and the Anti-SLAPPs Coalition site.
Guidance should provide: advice on pre-empting SLAPPs including highlighting the kind of reporting which may incite SLAPP action and defensive steps that may be taken; clarity over journalists' legal rights when faced with SLAPPs tactics; the types of support journalists should expect from their employers, and where freelancers can find support; signposting to resources, including for freelancers; links to channels to report bad practice of legal firms to SRA.
- Either signposting to or establishing a pro-bono network of lawyers to provide support for journalists facing SLAPPs.
Details of the network should be reflected in guidance and promoted by stakeholders.

Workstream lead & members

Lead: Media Lawyers Association

Members: News Media Association, National Union of Journalists, Society of Editors, Reporters Without Borders, Law Society, Bar Council, Publishers Association, Anti-SLAPPs Coalition (including Index on Censorship and English PEN)

Workstream 3: Legal services ethics

Summary: The Legal Services Act 2007 imposes a duty on the Legal Services Board (LSB), and the regulators it oversees, to promote a number of regulatory objectives. These include protecting and promoting the public interest, supporting the constitutional principle of the rule of law and promoting and maintaining adherence to the professional principles. In light of this the LSB and some other legal services regulators have already taken steps to ensure regulation is capable of addressing harms that arise from SLAPPs and other unethical conduct.

But there is more to be done. The LSB is therefore leading an ongoing programme of work to achieve clarity and commonality of understanding about the types of conduct by legal professionals that may not be consistent with the professional principles and which have the potential to undermine the rule of law. This will inform consideration of whether there is a case for further work to strengthen the regulatory framework, building on progress made so far, including the SRA's [SLAPPs Warning Notice](#) and its thematic review of [Conduct in disputes](#).

Objective: To ensure that legal services professionals are confident in recognising and handling potential SLAPPs cases, and that the regulatory framework is capable of ensuring high-quality services underpinned by strong professional ethics.

Outputs:

- A forum for legal services regulators, the profession and a wider community of stakeholders to discuss and consider the types of professional conduct which may not be consistent with the rule of law and the professional principles.
- Proposals for next steps, which might include proposals to ensure that regulators adapt their regulatory infrastructure to address any weaknesses in regulation while clarifying, supporting and incentivising professional ethical practices by regulated individuals and organisations.

Workstream lead & members

Lead: Legal Services Board

Members: SRA, Bar Council, MoJ, Bar Standards Board, NMA, Law Society, Foreign Policy Centre

Workstream 4: Awareness raising

Summary: Underpinning each workstream is the importance of ensuring that key stakeholders (journalists, journalists' employers, legal professionals, civil society) are able to identify SLAPPs and understand the law in this area. This will be critical to dispelling the UK's reputation as a jurisdiction which is favourable to SLAPPs.

Objective: Promote measures the UK is taking to protect journalists from SLAPPs domestically and internationally.

Outputs:

- An industry-facing conference to promote the Taskforce work. Individual sessions should focus on each of the Taskforce workstreams and showcase outputs and aim to: raise awareness of issue of SLAPPs; amplify resources (potential to launch a 'myth-buster' style document, for example); and raise awareness for smaller employers without large legal teams of their

obligations to support their journalists. DCMS and MoJ ministers should participate to demonstrate HMG's commitment to tackling SLAPPs.

- Development of specific communications products, such as a SLAPPs 'myth-buster' document to increase understanding and awareness of SLAPPs (to complement more detailed guidance aimed at journalists and any legal services specific products).
- Regular communications
Taskforce members will develop an engagement plan to identify all its public-facing opportunities (domestic and international) on SLAPPs and set out how these will be used to promote the Taskforce work.
- International engagement
Taskforce members will continue to engage internationally to amplify the UK's action to tackle SLAPPs e.g. via Council of Europe's SLAPPs expert group.

Workstream lead & members

Lead: DCMS

Members: All (Foreign Policy Centre, English Pen, News Media Association, Anti-SLAPPs Coalition, Index on Censorship, Society of Editors, National Union of Journalists, Reporters Without Borders, Publishers Association, Media Lawyers Association, Solicitors Regulatory Authority, Bar Council, Bar Standards Board, Law Society, Legal Services Board, MoJ, Scottish Government)