



T R I B A L

conciliation**skills**

training for front-line staff in the SEN sector



participant's **manual**

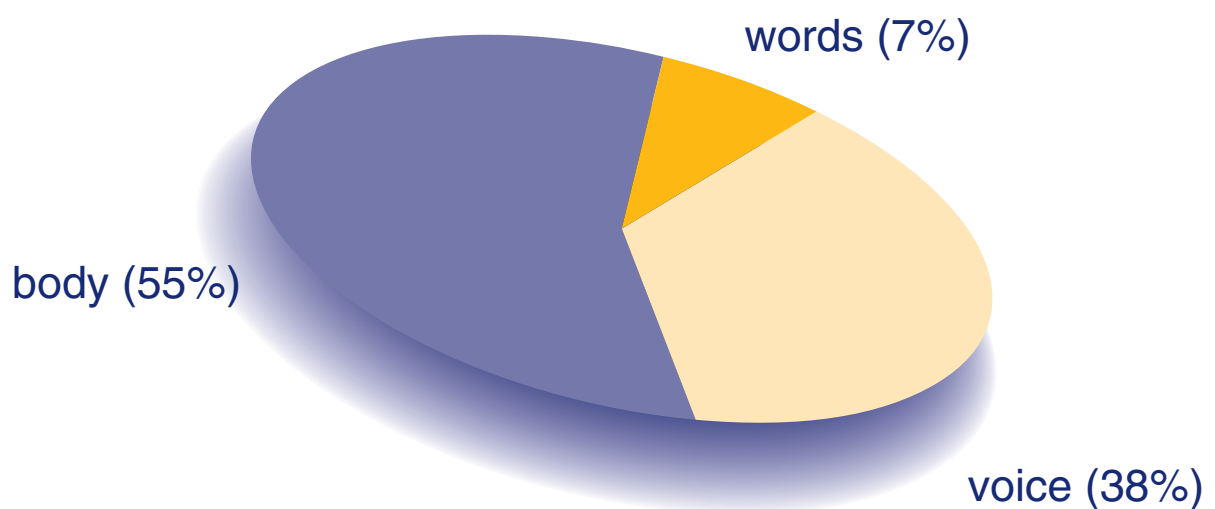
Elements of communication



There are three elements of communication:

- words
- voice
- body language.

In the field of communication studies, it is recognised that the actual words used are only responsible for about 7% of the impact of a message.



Active 'whole body' listening

Active 'whole body' listening means being able to give all of your attention to someone else. It is the ability to keep your attention external to yourself rather than thinking through your own thoughts.

Components

- 1 The listener gives the speaker his or her full attention.
- 2 The listener gives the speaker signs that he or she is listening through body language and voice.
- 3 The listener summarises elements of what he or she has heard, reflecting both content and feelings.
- 4 The listener then asks a question about what he or she has heard.

When is it used?

- to show people that you have followed what they are saying
- to build good early relationships
- to ensure that you fully understand ideas before responding
- to help people in disagreement to better understand the other's point of view

Benefits

- The speaker is able to explain thoughts very clearly.
- Misunderstandings are identified and can be clarified.
- The speaker feels that listener understands.

Contrast the difference between someone whose attention is internal (i.e. on themselves) and someone who is listening with the whole body.

People whose attention is internal

They think of their own thoughts, make evaluations and judgements. They worry and concentrate on what just happened, what was just said or even what might happen next.

Their gaze may be de-focused or moving around.

Their intention is towards themselves.

The posture could be anything.

Their language is likely to be 'I'- or 'me'-centred.

People who are listening with their whole body

They are in a state of curiosity.

Their attention is entirely on the other person.

Their gaze is on the other person.

Their intention is towards the other person.

They match the other person's posture.

Their language is 'you'-centered and they use the key words and language patterns that match the person with whom they are speaking.

Principled negotiation versus positional bargaining

Problem

Positional bargaining: Which game should you play?

Solution

Change the game: negotiate on the merits

Soft

Participants are friends

The goal is agreement

Make concessions to cultivate the relationship

Be soft on the people and the problem

Trust others

Change your position easily

Make offers

Disclose your bottom line

Accept one-sided losses to reach agreement

Search for the single answer: the one they will accept

Insist on agreement

Try to avoid a contest of will

Yield to pressure

Hard

Participants are adversaries

The goal is victory

Demand concessions as a condition of the relationship

Be hard on the problem and the people

Distrust others

Dig in to your position

Make threats

Mislead as to your bottom line

Demand one-sided gains as the price of agreement

Search for the single answer: the one you will accept

Insist on your position

Try to win a contest of will

Apply pressure

Principled

Participants are problem-solvers

The goal is a wise outcome reached efficiently and amicably

Separate the people from the problem

Be soft on the people, hard on the problem

Proceed independent of trust

Focus on interests, not positions

Explore interests

Avoid having a bottom line

Invent options for mutual gain

Develop multiple options to choose from; decide later

Insist on using objective criteria

Try to reach a result based on standards independent of will

Reason and be open to reason: yield to principle, not pressure

The **language** of negotiation



The vocabulary of negotiation should be chosen to promote an atmosphere of cooperation. The following words and phrases will help to achieve this:

- 'Perhaps ...'
- 'Could we look at ...'
- 'What if we ...'
- 'I wonder if we could consider ...'
- 'It might be an idea to ...'
- 'May I suggest ...'
- 'I can see why that's important to you.'
- 'Let's look at some alternatives.'
- 'What else is important to you?'
- 'I'd like your opinion on ...'
- 'I appreciate your point of view.'

Conversely, there are words and phrases which should be avoided whenever possible.

Irritators

- 'This is a fair offer.'
- 'We can afford to be generous.'

Fair and generous are value judgements. They also imply that the other party is unfair or ungenerous.

Argumentative words

- 'But ...'
- 'However ...'
- 'I'm afraid ...'

'But' can always be avoided by using short sentences which obviate the need for that dangerous conjunction:

- 'I see your point, but ...'
becomes
- 'I see your point. The effect it would have on us is ...'

Words of rejection

- 'Can't ...'
- 'No way ...'
- 'Impossible ...'

These can be replaced by phrases such as:

- 'The problems that would create for us ...'
- 'That's clearly very important to you. The difficulty from our point of view is ...'

Don'ts in negotiation



Don't:

- make assumptions
- be evaluative ('generous', 'fair', etc.)
- treat it as win or lose
- accept anybody's first offer
- pitch too low
- state grievances
- get personal
- score points
- make 'goodwill' concessions
- walk out
- make the other party feel a loser
- negotiate if you don't have to
- over-commit
- be intimidated.

Developing your **walk-away alternatives**



What if the other side is more powerful?

Develop your walk-away alternative to a negotiated agreement. By using this method you can compare any proposal with your walk-away alternative to see whether not reaching agreement satisfies your interests more than reaching agreement on the terms proposed.

To negotiate without giving careful thought to what you will do if you fail to reach agreement is to negotiate with your eyes closed.

It may lead you to be too committed to reaching agreement because you are unduly pessimistic about what would happen if negotiations broke off.

It may be useful to give yourself early warning that you are approaching the point where agreement will prove too unattractive. You can do this by identifying one 'far from perfect' agreement that is still better than your walk-away alternative. Before accepting anything worse than this agreement, you should break to re-examine the situation.

The better your walk-away alternative, the greater your power. Relative negotiating power depends primarily upon how attractive to each party is the option of not reaching agreement. So it is worth considering what the other side's walk-away alternative is likely to be. Where both walk-away alternatives are strong, the best outcome for both parties may be not to reach agreement.

What if the other side won't play?



You try to discuss interests.

They state their position in unequivocal terms.

You are concerned with developing possible agreement to maximise gains for both parties.

They attack your proposals and are only concerned with maximising their own gains.

You attack the problem.

They attack you.

In these circumstances, what can you do?

- Continue to concentrate on merits – persist in encouraging them to play a different game.

If this fails, what can you do?

- Employ negotiation jujitsu. This involves resisting the temptation to push back. Break the vicious circle by refusing to react. Instead of pushing back, side-step their attack and deflect it. Turn their strength to your ends.

Typically their attack will consist of three manoeuvres:

- asserting their position forcefully.
- attacking your ideas.
- attacking you.

When they assert their position, neither reject nor accept it – treat it as one possible option, look for the interests which lie behind it, seek out the principles it reflects and think about ways to improve it.

When they attack your ideas, don't defend them, ask for criticism and advice. Examine their negative judgement to find out their underlying interests and rework your ideas in the light of what you learn from them. Turn an obstacle to agreement into an essential ingredient in the process of gaining agreement. Alternatively, react to their attack by seeking their advice, thus confronting them with your part of the problem. This may encourage them to invent a solution which meets your concerns.

When they attack you, allow them to let off steam. Listen, demonstrate understanding and then recast their attack on you as an attack on the problem.

Key tools in negotiation jujitsu

- Questions instead of statements
- Pauses – instead of filling the vacuum.

What if they **play games** or **use tricks**?

Deliberate deception

A practice of verifying factual assertions reduces the incentive for deception and your risk of being cheated.

Ambiguous authority

Check out the authority of the other party to negotiate the agreement. Where an answer is ambiguous, seek out the person with real authority, or at least make it clear that you are reserving the right to reconsider any point in the light of a further round of negotiation with another party.

Dubious intentions

Where you doubt the intention to comply with the agreement, consider building compliance features into the agreement itself.

Stressful environment

Be sensitive to venues and if the physical environment is prejudicial, do not hesitate to say so and negotiate an alternative.

Personal attacks

Recognise the particular tactic, e.g. not listening, not making eye contact. This will help to nullify its effect; bringing it up explicitly will probably prevent recurrence.

Good guy/bad guy routines

Recognise the tactic and you won't be taken in. Treat both individuals in the same principled manner.

Refusal to negotiate

First, recognise the tactic as a possible negotiating ploy. Second, talk directly or through a third party about their refusal to negotiate. Find out their interests in not negotiating. Generate options for addressing those interests. Try to establish principles on which it may be possible to move forward.

Extreme demands

Recognising the tactic and bringing it to the other parties' attention often works well. Ask for principled justification of their position.

Escalating demands

This is when a negotiator may raise one of his demands for every concession made on another and/or reopens issues you thought had been settled. When recognised, call it to the other parties' attention and perhaps take a break while you consider whether and on what basis you want to continue negotiations.

Lock-in tactics

An extreme commitment tactic designed to make it impossible to yield. Best resisted on principle by pointing out that you never yield to pressure – only to reason.

Hard-headed partner

Where one negotiator agrees but states that his/her partner will not. Recognise the tactic and then, if possible, negotiate directly with the party who is seemingly blocking progress.

Delaying tactics

Make the delay explicit and negotiate about it. Consider creating a fading opportunity for the other side. Look for objective conditions that can be used to establish deadlines.

Take it or leave it

Ignore it, keep talking, change the subject. Introduce other solutions or bring up the use of the tactic and let them know what they have to lose if no agreement is reached. Look for further options to gain agreement.

Rules for **team negotiating**

- Only one person should speak at a time.
- All members of the team should know and understand their role and be prepared to speak when called on.
- The lead negotiator should indicate when someone from the team is to speak.
- Never disagree as a team in front of the other side.
- When in doubt, have an adjournment.
- Create a way of communicating to one another non-verbally, e.g. signals, notes.
- No matter how the other side behaves, do not let them influence your behaviour as individuals or as a team.
- Remember the message from your team needs to be consistent – both verbally and non-verbally.

Difficult conversations



Step 1

Prepare by working through the conversation in three ways

- 1 Note down what has happened.
Where does your view come from – information, past experiences, rules? Where does their view come from? What impact has this situation had on you? What might their intentions be? What have you each contributed to the problem?
- 2 Understand the emotions involved.
What emotions are you experiencing at present? What emotions do they have?
- 3 Consider what's at stake for you which may impact on your identity.
What's at stake for you about you? What do you need to accept to be able to move forward? (e.g. you may have to ask for help, or admit you exaggerated.)

Step 2

Check the purpose of the conversation and decide whether to raise the issue

- 1 Purpose:
What do you hope to accomplish by having this conversation? You may need to shift your stance to support learning, sharing, and problem-solving.
- 2 Decide:
Is this the best way to address the issue and achieve your purpose? Is the issue really about an impact on your identity? Can you affect the problem by changing your contributions? If you don't raise it, what can you do to help yourself let go?

Step 3

Plan the beginning of the conversation as if you were an objective observer

Describe the problem as the difference between your stories. Include both viewpoints as a legitimate part of the discussion. Share the different purposes.

Step 4

Be prepared to explore their perspective and voice your own

What questions may be useful to draw out their opinions and feelings? How can you best share your own viewpoint and feelings?

Step 5

How can you best solve the problem?

What options are there that meet each side's most important concerns and interests? Are there standards which might inform what should happen? How can you keep the communication open as you go forward?

How to feel calm and confident for important meetings or conversations



When you are taking part in important meetings or conversations you will perform best when you are in a confident and resourceful state: when you are thinking positively you will perform better.

Using the following simple steps you can get yourself into a confident state whenever you need it.

- 1 Remember a time when you did something really well and were very pleased. It doesn't have to be a success at work – any situation will do where you felt really good about yourself.
- 2 Be there now – imagine you are there again right now.
 - See it through your own eyes
 - Hear the sounds
 - Feel the feelings you felt then

You may want to close your eyes now and really enjoy it.

- 3 Make the picture bigger and brighter, make the sounds louder and notice the feelings becoming stronger. As you do this you may want to straighten up and become taller. You will breathe in deeply as you feel even stronger.
- 4 Now as the feelings are really strong – say a special word to yourself to remind you of this special feeling. As you do this, make a special gesture or movement, e.g. clench your fist. This will help you to remember this feeling.
- 5 Repeat steps 1 to 4 again three or four times or as often as you need.
- 6 Test it now – simply make your gesture and say your special word quietly to yourself. Notice how those confident feelings come back immediately. (If they don't come back easily then repeat steps 1 to 4 again.)
- 7 Test it in the future – imagine that it is the time of an important meeting or conversation. Now say your word and make your movement (e.g. clench your fist). Notice how quickly the confident feelings come back.

Now you know how to feel confident whenever you want.

Quick tips on clear writing

- Be accurate* Use the right word for the right job.
- Be brief* Don't use three words when one will do.
- Be clear* Give facts not vague statements like 'in the region of' and 'around about'. This will communicate your message clearly.
- Be simple* Use short words rather than long ones.
- Be active* Use active rather than passive verbs.
- Be concrete* Make sure that your picture is clear and use real examples to back it up.
- Avoid jargon* It is confusing and will alienate your reader.
- Avoid clichés* Choose your own words to express your ideas.
- Sentences* Alternate long and short sentences.
- Paragraphs* Keep them short – new idea, new paragraph.
- Spelling* If in doubt, check it.
- Style* Be true to your own style, use new ideas to complement it.

Remember:

You are writing to communicate, not to mystify or impress. Don't pad your writing: the reader will be insulted. Don't be impersonal, be friendly and professional. If in doubt about how to write it, try saying it.