



A Useful Guide to Negotiating Effectively

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 **Pansophix**

A Useful Guide to Negotiating Effectively

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Preface

This useful guide is aimed at people in a range of public, private and third sector industries, as well as people dealing with negotiations in the community, education or at home. At work this might be:

- People who are looking to change their job role or take more control of their workload
- People who want to develop more control over their relationships with others, including their managers, colleagues, suppliers or clients
- Managers who want to improve their effectiveness in target-setting, dealing with other departments or external agencies.

You should find this guide useful whether you carry out your negotiations by phone, email, letter or face-to-face, both formally and informally.

Contents

- Contents 4
- Chapter 1 - The context for Negotiation 6
 - Type 1: Competitive negotiations 6
 - Type 2: Collaborative or co-operative negotiations 7
 - Human interactions – win/win, win/lose, lose/win, lose/lose 8
 - Assessing your existing negotiating skills..... 11
- Chapter 2 - Is it me? 13
 - Emotional Intelligence..... 13
 - Behaviours 15
 - Assessing your assertiveness 18
- Chapter 3 - Thinking skills used in negotiation 19
 - Focus 1: Analytical thinking in negotiations..... 19
 - Focus 2: Critical thinking in negotiations 21
 - Focus 3: Creative thinking in negotiations 22
- Chapter 4 - Communication skills used in negotiations 26
 - Building Rapport..... 26
 - Showing Empathy..... 27
 - Presenting a case 29
 - Questioning 30
 - Listening 34
 - Checklist of variables to create balanced agreements..... 36
- Chapter 5 - Being in the right frame of mind..... 37
 - Step 1: Visioning successful outcomes for yourself and other people..... 37
 - Step 2: Keeping your negative filters and prejudices in check 38
 - Step 3: Avoiding judgemental reaction 40
 - Step 4: Demonstrating credibility and quiet confidence 41
 - Step 5: Being solutions-focused 42
- Chapter 6 - Understanding the landscape in which you negotiate 43

- Focus 1: Understanding the common characteristics of how people function . 43
- Focus 2: The progression of needs..... 44
- Focus 3: Needs and fears that influence negotiations 45
- Focus 4: Cultural expectations in dialogues..... 46
- Chapter 7 Give and take 49
 - Getting concessions 49
 - Giving concessions 50
 - Responding to proposals..... 51
 - Seeking adult-adult conversations 51
 - Finding common ground 52
 - Using interests rather than positions to negotiate 52
- Chapter 8 - Your negotiation journey 54
 - Prepare 55
 - Discuss 56
 - Propose and package 57
 - Bargain 58
- Chapter 9 - Checklists..... 59
 - Personal negotiation checklist 59
 - Negotiating on the telephone checklist 60
 - Negotiating by email 61
- Afterword 62
- Feedback 62

Chapter 1 - The context for Negotiation

In this chapter you will find information and advice on:

- Using collaboration rather than confrontation to achieve your aims
- Keeping a good relationship with people you have to negotiate with regularly
- Understanding your strengths and areas for improvement as a negotiator

"Never cut what you can untie" Joseph Joubert 1754 – 1824

The pressure to fight, to confront and to argue is built into many of our institutions such as the Westminster Parliament. There is excitement and emotion in these behaviours and this can be addictive. In negotiations, be careful not to fall into the trap of creating situations that allow you to experience these predictable sensations because they rarely provide long lasting solutions to problems.

There are broadly two types of negotiation. Competitive negotiation often involves aggressive and/or manipulative behaviour in order to get one's own way. Collaborative or co-operative negotiation is about using balanced, assertive language and behaviour to create robust and beneficial agreements for everyone involved.

Type 1: Competitive negotiations

Ideally, you should rarely find yourself in this type of negotiation. This is where each party is in it for their own interests and very little thought is given to the interests of the other party. However, if you do find yourself in a one-off negotiation with an aggressive or manipulative person, the following tips may help:

- Avoid conceding as it is perceived as a sign of weakness
- Avoid making the first offer as it provides the other party with valuable information
- Use the element of surprise to "wrong foot" the other party
- Avoid answering every question, again it gives the other party 'ammunition'
- Avoid getting dragged into heated conflict, use assertiveness to retain composure even in the most trying of circumstances.

Type 2: Collaborative or co-operative negotiations

Working positively and constructively with others, however, can offer opportunities to:

- Deliver better public services for older people, for example, by integrating health, transport and housing initiatives within a council.
- Make efficiency savings, for example, through sharing back office costs between two schools or charities.
- Develop a stronger, more united voice in communities and local government
- Share knowledge and information with partners in industry
- Create more flexible finance arrangements with suppliers, based on a longer term view.

New examples of collaboration and novel partnerships are happening all the time as people and organisations deal with the pressures of scarce resources, reduced budgets and new issues in environmental, commercial, legal and political settings. Just look at the increased number of organisations using joint approaches to win public sector contracts after the Gershon Review of 2004/5. The British Department of Work and Pensions has reduced its contract management processes to involve just 16 prime contractors with others having to sub-negotiate with them.

Collaborative negotiation is more likely to involve creativity rather than compromise. It is more likely to be based on common principles rather than historical positions. Faced with strong global competition, the European aircraft and shipbuilding industries have become beacons of good practice in innovative relationships between companies and trade unions.

For example, at BAE Systems trade union membership is 55% and collective agreements cover about 70% of the workforce compared to about half that (35.5%) for the rest of the UK. This enables quick consultation to take place in response to the rapidly changing globalisation challenges for the company. Practical actions such as joint management/ union lobbying seek to protect jobs. Where this is not possible, creative retraining initiatives are able to be developed because of the less confrontational negotiations used now in BAE Systems.

Human interactions – win/win, win/lose, lose/win, lose/lose

From these two types of negotiation there are four possible outcomes. You need to recognise these outcomes in order to move away from the destructive ones, and move towards the more collaborative win/win options.

Win/Win

This outcome needs you to think critically and deeply to avoid dichotomies such as “if you are not with us, you must be against us”. This outcome naturally means that all parties generally achieve their goals. It requires you to be true to yourself and your values. It also means you must have the maturity to express your feelings immediately and openly in a balanced manner. It requires a mostly positive and solutions-based approach to interaction with others.

To illustrate this, consider this real life example of gaining a win/win solution:

In a meeting to discuss prison reforms, prison officials met to design a perfect correctional institution. In the course of the discussion, one person proposed getting rid of traditional prison officer uniforms. There was an argument about whether or not uniforms should be worn.

One person suggested the issue be resolved by a vote. Over half the people in the meeting voted to keep the uniforms. The winners looked pleased while the losing group either became angry or walked out.

An independent observer asked those in favour of keeping uniforms what was behind their decision. They suggested that part of rehabilitating offenders is to help them to deal with authority. The group wanting to get rid of traditional uniforms said that the uniform sometimes acts as a barrier when making relationships with prisoners.

The observer then encouraged the group to come up with a range of alternatives to meet both sets of objectives. They generated ten possible solutions, one of which proposed uniforms for team leaders and managers but not for front line officers. This solution met both groups’ needs and was adopted willingly by both parties.

Win/Lose

Rooted in the confrontational nature of many of our activities, this outcome describes a 'winner takes all' approach. Where there is low trust between parties, it is an approach that is used in many big ticket domestic purchases such as buying a car or home appliances. Because it invariably involves manipulating the emotions of the other party, it rarely leads to long term solutions. Agreements achieved in such a way are often poorly implemented and require constant policing.

Examples of win/lose outcomes can be seen all too often in courtrooms dealing with divorcing partners. In an emotionally charged atmosphere, people can use a divorce negotiation to win as much as they can at the expense of the other partner. The desire to inflict damage onto the other person is stronger than the desire for a workable agreement. The well-publicised examples of poor continuity of child support payments are evidence of the ineffective nature of these types of agreements.

Lose/Win

How many times have you ignored your own wishes and justified giving in for "an easy life"? In fact this outcome is worse than the competitive Win/Lose option because it demonstrates a lack of standards and responsibility. It requires you to hide your feelings and may lower your self-esteem. It is an option that you may use tactically as part of "the bigger picture", but it is rarely a sound basis for developing successful business or family relationships.

Often labelled as appeasement, lose/win outcomes can be seen in some countries' foreign policies, justified by some temporary trade benefits or political gains from other parties. At work you engage in lose/win strategies when you agree to poor decision-making from senior management, to avoid 'rocking the boat', justifying it by your perception of how it might affect your job security negatively. Although you gain temporary benefit, this strategy often produces resentment which can build up over time and could explain some of the disproportionate reactions of both sides demonstrated in the 'Arab Spring' uprisings of 2012.

Lose/Lose

This outcome is about a desire to see the other party lose at all costs. Your ability to think of the bigger picture and possible resolutions is clouded by a negative focus. In high emotion negotiations such as disputes over land, you must recognise that your behaviour in a negotiation may be affected by symptoms of stress. These may be symptoms such as negativity, paranoia and distorted thinking. Clearly a poor state in which to be negotiating important issues.

Historically, some politically-charged conflicts between organisations and trade unions have resulted in poor agreements. For example, in the case of the British Coal Industry, both parties were very insular and failed to capitalise on their shared interests. In the end, they have both lost out to global competition.

So whether you work towards the more positive collaborative win/win outcomes as an individual, as part of a team or acting on behalf of someone else, it would be beneficial to assess your strengths in this area.

Assessing your existing negotiating skills

Score 1 if the statements below **always** refer to the way you act in negotiations

Score 2 if it **frequently** describes your actions

Score 3 if it **sometimes** describes your actions

Score 4 if the statement **never** describes your behaviour and actions in negotiations

- Q1 I research the other party thoroughly before a negotiation
- Q2 I make progress to final agreement via a series of conditional offers
- Q3 I avoid adding judgemental words like 'fair' 'good' when making an offer
- Q4 I can calculate the cost of various proposals quickly in my head
- Q5 I ask a similar number or more questions than the other party
- Q6 I often work with the other party to create novel agreements
- Q7 I write down my 'bottom line' before I enter a negotiating meeting
- Q8 I am conscious of the effect of my body language during negotiations
- Q9 I clarify, through questioning, the proposals made to me before making a counter-proposal
- Q10 I use assertive behaviour and language in negotiation

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Total									

Analysing your score

A score of 10-20 points indicates that you are well on your way to becoming an effective negotiator in a range of situations. You prepare well and are generally aware of the effect of your behaviour on the effectiveness of the final agreement.

A score of 21-30 points indicates that although you generally succeed, you have not developed a consistent approach to every negotiation. You would benefit from reflecting on what works in certain situations and how your behaviour may have impacted on the other party.

A score of 31-40 points indicates that you need to take a more organised approach to negotiations and not rely on your 'performance on the day'. You may succeed in some one-off negotiations where you are unlikely to encounter the other party again. However you may struggle to develop the longer term beneficial relationships which are the basis for the majority of negotiations in your private and public life.

Chapter 2 - Is it me?

In this chapter you will find information and advice on:

- The role of emotions and how they make you think in a negotiation
- How to use skills such as listening, empathy and assertiveness to negotiate effectively
- 7 key things that expert negotiators do, that you can do also to be successful

You come back home in the evening, after a busy day at work spent dealing with suppliers and colleagues. You walk into a kitchen full of unwashed crockery. You confront your teenage son, who was supposed to do it, but he storms out to his room. Your partner then walks in and in disbelief you say "Is it me?"

A common scene, played out in many homes. Do you find your ability to negotiate effectively is lost when you become emotional? Do you know the triggers that make you lose control? Do you understand how your values affect the way you see any negotiation?

Emotional Intelligence

A key element of becoming successful in negotiations is to develop your emotional intelligence. This means:

- Knowing your own emotions and how they impact on negotiations
- Understanding your thinking patterns and knowing what habits you follow
- Understanding your strengths and weaknesses
- Knowing what motivates you
- Having an awareness of how you impact on other people

Specifically, you can look at the five elements that make up emotional intelligence and identify areas that you may need to improve to become a better collaborative negotiator:

Self-Awareness

This element is about knowing how you react in certain situations and how you come across to others. If you are self-aware, you are more likely to listen to your 'gut' feelings and be intuitive in some of the complex decisions you have to make. It will also help you take a more measured approach in negotiations and respond to emotional situations rather than react automatically.

Managing Emotions

This element is about separating your moods from how you operate in a negotiation. If you can manage your emotions, you will perform better because you are able to think more clearly. Managing emotions does not mean suppressing them, but understanding them as a natural reaction. Equally it is not about manipulating people through emotional pressure or game-playing.

Motivating Oneself

Are you naturally optimistic and do you have the drive to pick yourself up when things go wrong? The ability to be consistent throughout an extended negotiation is important to a successful outcome. Your drive and energy will help you be *solutions-focused* even when there are seemingly huge obstacles to an agreement.

Empathy

Knowing how the other person is feeling is an important skill to use when interacting and influencing others. By listening to their tone of voice and looking at their body language, you can determine how people are feeling about your proposals. Empathy stems from self-awareness and being able to get into the mindset of the other person, essential for win-win outcomes.

Social Skills

This is the ability to connect with others, develop rapport and build positive long-term relationships. It is about negotiating with integrity, communicating clearly and listening actively in order to persuade or influence others. For example, the effectiveness of Mo Mowlam in progressing negotiations in Northern Ireland was largely due to her integrity and humanity, which was widely recognised by all involved at the time.

Behaviours

How do you measure up in terms of these elements? These elements form part of bigger building blocks of behaviours used by the most successful negotiators. Look at the following behaviours of expert negotiators and consider using them as a template for your next negotiation:

Behaviour one – they ask more questions

If you watch two really good negotiators, they will make sure that they ask as many, if not more, questions as the other party. Questions provide you with information and ideas on what the other party wants. Questions also help you to find out what is most important and valuable to the other party.

Behaviour two – they test and summarise more often during the conversations

Taking the opportunity to summarise regularly throughout a negotiation helps you to keep control of the process. It also helps you to check understanding and most importantly to make small agreements that build into a final overall agreement.

Behaviour three – they signpost their behaviour

Many questions and proposals raised in a meeting are lost in the 'to and fro' of discussion. By overtly saying "May I ask a question?" rather than just asking, you focus attention and are more likely to get a response. It can create a level of respect for the other party and can signal a wish for a balanced discussion.

Behaviour four – they avoid words or phrases which may be seen as 'irritators'

Good negotiators are careful to avoid judgemental words and unnecessary phrases. For example an offer is not a 'fair' offer or a 'generous' offer – it is simply an offer. How many times do we use the phrase 'with respect', when we mean quite the opposite? Equally the clarity of a negotiation is not helped by woolly words like 'try' or 'might'. It is much better that you offer a definite yes or no answer.

Behaviour five – they always aim for adult - adult conversations

Collaborative negotiations are not achieved through game playing where, for example, people adopt 'childlike' behaviour such as emotional outbursts or walking out. Neither are they the place for overbearing, dominating 'parent' like behaviour. You must maintain a calm 'adult' stance and encourage the other party to do likewise. Resist the temptation to enter a conflict spiral where each party is game-playing through making threats and apportioning blame.

Behaviour six – they give fewer counter-proposals

Expert negotiators will spend a long time questioning and considering the other person's proposals. You can build on good proposals from the other party, in order to help you to achieve your goals. Poor proposals, on the other hand, can be taken apart by probing questions.

Behaviour seven – they stick to one strong case

It is very noticeable that good negotiators will stick to one strong argument throughout the body of a negotiation. Do not be tempted to offer more, but weaker, arguments to support your case. This gives the other party chance to break down your weaker arguments and go on the offensive.

Assertiveness

It is very easy to point the finger at others for poor outcomes from negotiations in families, communities and organisations. In fact the poor outcomes may result from our lazy approach. Choosing to use assertive skills can take more energy than the other options, but it is usually the best option. The less effective stances of being submissive or aggressive may provide a short term advantage but rarely succeed in developing workable agreements in the long term.

Consider which approach comes most naturally to you:

Passiveness:

- Having difficulty standing up for yourself
- Voluntarily relinquishing responsibility for yourself
- Inviting persecution by assuming the role of the victim or martyr.

Aggressiveness:

- Standing up for your rights in such a way that the rights of others are violated in the process
- Being self-enhancing at the expense of putting down or humiliating others.

Manipulation:

- Is an indirect form of aggression where emotional blackmail is used to get your own way?

Assertiveness:

- Being able to express your needs, preferences and feelings in a manner that is neither threatening nor punishing to others without undue fear or anxiety and without violating the rights of others

- It is a means of direct, honest communication between individuals interacting equally and taking responsibility for themselves.

Assessing your assertiveness

Score 1 if the statement below **always** refers to the way you act
 Score 2 if it **frequently** describes your actions
 Score 3 if it **sometimes** describes your actions
 Score 4 if it **never** describes your behaviour and actions

1. I can say no without becoming aggressive
2. I can talk about myself without being self-conscious
3. I can accept compliments comfortably without deflecting or minimising them
4. I can disagree with someone openly
5. I can tell people how I feel without being embarrassed
6. I rarely give in for an easy life
7. I can ask people to do things for me without using guilt or emotion
8. I can challenge people easily without using qualifying phrases such as 'with respect'
9. I take responsibility for my words and their consequences
10. I express my opinions without apologising or attacking others

Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10
Total									

Analysing your score

A score of 10-20 points indicates a good level of assertiveness and self-esteem. This means you are more likely to take a positive approach to negotiations and are less likely to get drawn into destructive conflicts.

A score of 21-30 points indicates that you are assertive in some situations. Your inconsistency may stem from fear of the consequences of your behaviour with certain people in hierarchical groups.

A score of 31-40 indicates that you may be conditioned to avoid conflict and deflect attention from yourself. You need to be aware of the ineffective words, behaviours and non-assertive body language responses that you may demonstrate. Ask a colleague to watch you in a negotiation and then feedback to you what they saw and heard in a non-judgemental manner.

Chapter 3 - Thinking skills used in negotiation

In this chapter you will find information and advice on:

- Using different thinking styles at different stages of a negotiation
- Using the 5 elements of analytical thinking to be systematic in preparing for a negotiation
- Using critical thinking to avoid 5 common mistakes in negotiation
- Using 5 creative ways of thinking to find solutions to negotiations that do not seem to be going anywhere

You ask your family where they would like to go for lunch. Everybody shouts out their favourite place at the same time and there is no obvious solution to please everyone. You travel to the restaurant that is preferred by most of your family, but as you are sitting down to eat, you recall an advert from a new restaurant that you have never visited. It would have accommodated all the favourite dishes for the whole family. 'Why didn't I think of that before', you say to yourself.

A common mistake that people make in negotiation is to get caught up in the emotion and detail of a discussion without using different thinking styles to:

- Look at the bigger picture
- Understand the root cause of a disagreement
- Develop new solutions to old problems.

It is important to give yourself time before a negotiation to **think analytically** about the separate issues that make up a sometimes complex discussion. It is also important to **think critically** during a negotiation as you listen to the other party's arguments and reasoning. Finally you may need to **think creatively** to develop solutions to break impasses and disagreements.

Look at these three styles of thinking and see where you could improve your skills:

Focus 1: Analytical thinking in negotiations

Analytical thinking around a problem before and during a negotiation helps you deal with the complexity of some issues. It allows you to work on the root causes of some of the issues rather than just the symptoms. It also helps you separate the variables at play in a negotiation so that you can balance a proposal and bargain successfully with the other party.

Using the sequence of elements that make up analytical thinking prior to a negotiation really helps you save time and reduce the potential for disagreement in the actual negotiation.

Element 1- Identify the problem

Is the problem stated the real issue? For example, a negotiation about a poor office phone system may actually be a training issue rather than a technical issue.

Element 2 - Create a hypothesis

What would be a possible solution? For example, a negotiated solution to the Arab Israeli conflict is more likely to be achieved when a variable such as 'time' is removed and the negotiation is then solely about the 'road map' or process for an agreement.

Element 3 - Collect relevant facts

What qualitative or quantitative data can you find to support your hypothesis for a possible solution? Look for data from existing sources of information such as census information before commissioning research, say, about your town. Do the findings suggest your negotiating approach might be successful and any agreements might be effective in the long term?

Element 4 - Analyse

By using analytical tools such as force-field analysis, SWOT analyses and fishbone diagrams, you can better understand the critical issues in a negotiation and plan your strategy and tactics accordingly. For example, in negotiating with a supplier of materials, your SWOT analysis may have shown that continuity of supply is more important to you than other variables such as price.

Element 5 - Solution

Finally, analytical thinking can offer solutions or show you that a problem has not been clearly enough defined.

Focus 2: Critical thinking in negotiations

The use of this type of thinking in a negotiation stops you being manipulated or making decisions based only on partial information.

When the other party is making proposals and offering rationales for their approach, look out for:

- **Underlying, possibly faulty, assumptions.** For example "*We screen all the people that will be working with you by interview.*" Assessment, practical tests and interviews are a much better indicator of *ability* and *fit* into an organisation.
- **Singular explanations for multiple problems.** For example "*We need better teachers in this school to improve standards.*" This does not address the role of parents, employers and peers in improving standards.
- **Presentation of statistics.** "*73% of people who responded to our postal survey were happy with our service.*" People who did not respond may be unhappy and therefore not willing to spend time on a survey.
- **Bias, however subtle.** "*We put posters up around the town advertising this meeting.*" This does not take into account people who cannot read or are house-bound.
- **False logic.** For example "*Forty staff did not strike therefore they must be happy with their conditions.*" This logic does not flow as some staff may have disagreed with the action but not the cause.

Critical thinking includes a complex combination of skills. Among the main characteristics are the following:

Rationality

This means in a negotiation try to rely on reason rather than emotion. Look for evidence, ignore no source of evidence and follow evidence where it leads. In a negotiation be concerned more with finding the best solution than being right.

Self-awareness

You are thinking critically when you are conscious of your true motives in any situation. Recognise your own assumptions, prejudices, biases and/or point of view and how they may affect any dialogue.

Honesty

You are also thinking critically when you recognise that you have certain conditioned emotional impulses or selfish motives. This is often most difficult to work through, but can result in exciting new solutions and relationships with people with whom you negotiate, work and live.

Open-mindedness

A key trait to develop is that of open-mindedness. This is concerned with remaining open to alternative interpretations of evidence. It might require you to accept a new explanation, model or paradigm because it explains the evidence more clearly.

Discipline

The most important aspects of critical thinking in a negotiation are to be precise, meticulous and comprehensive. You must recognise when the other party is trying to manipulate you, sometimes through emotional and irrational appeals.

Judgement

Good negotiators avoid jumping to snap decisions, using critical thinking skills to take a more measured assessment before they make a decision.

Focus 3: Creative thinking in negotiations

The ability to create alternatives in a negotiation is recognised as a key skill of successful negotiators. Whether negotiating over budgets in government or sharing resources in a school, a methodical approach to making creative proposals is helpful in producing win/win solutions.

In negotiation, creativity is about two activities. Firstly, try looking at the issue being discussed from a variety of perspectives using, for example, **Four Way Thinking**. Secondly, try to connect and see the relationship between different variables using **Radiant Thinking** (Mind Mapping TM).

Four Way Thinking

1. Front to back thinking

Essentially this is analytical thinking. You logically follow the problem from beginning to end in a disciplined step-by-step way.

2. Back to front thinking

This is about encouraging people to imagine a solution has been found and then work backwards to understand the steps required to achieve the solution. An example of back to front thinking used in a local community discussion about dog fouling in a park would identify the solution as creating a dog park. Then the discussion is simply about considering, in reverse order, what would be the individual steps needed to achieve this outcome.

3. Bottom up thinking

Difficult negotiation problems are often solved by redefining the question or issue to be resolved. In a teacher - parent meeting about absenteeism of a pupil, the traditional approach would focus only on the pupil. A bottom up approach is 'How do we increase attendance?' Taking this viewpoint helps both parties to see what happens on the days the pupil attends and consequently this negotiation might then bring out solutions related to parenting support, sickness of siblings, transport issues and start of day mentoring for the pupil, for example.

4. Top down thinking

Just as an artist might stand back from a drawing in order to see the whole effect, so the good negotiator never loses sight of the bigger picture. Of course, good negotiators have empathy towards the other person's situation; however, top down thinking introduces a third perspective of an overview of both your position and that of the other party. Some management - trade union negotiations ultimately failed, for example in parts of the British car manufacturing industry in the 1970s, because global competition and the effect of new technology were not factored into the discussions.

Radiant thinking

Remember that creative thinking is about gaining new insight into an issue, often by connecting two previously known factors. In preparing for, and during, negotiations, use the note-taking tool of radiant thinking or mind mapping™ to stimulate creativity in order to find agreements. Because the process involves documenting a central idea and then making connections to ideas as they arise, radiating out from the centre, it offers a number of benefits:

Mind map characteristic	Benefit for negotiators
One page (landscape layout)	Provides you with a single page overview
Use images	Reduces misunderstanding
Line and branches radiating	Helps you to spot connections and areas of common ground more easily
Use of colour	Helps you identify groups of variables

For Read Out loud Readers: The table has finished.

Now that you have clearer thinking processes, you need to consider how you will communicate your needs and proposals to others in order to gain an agreement.

Assessing your thinking skills

In reaching a workable solution to a negotiation, you may have to use all these thinking skills. In the early stages you may use **creative thinking** to come up with 'novel' proposals which avoid the negotiation simply being a simple compromise on both sides. You may then use **analytical thinking** to develop some of these ideas systematically. Finally **critical thinking** may help you choose an option that is truly robust in the long term. Use the following table to assess where your strengths lie and consider ways to improve the areas of thinking where you are less strong. Put a cross in the row against the descriptions of the behaviours, to develop a visual profile for yourself.

For Read Out loud Readers: The following table has 6 columns and 13 rows.

Creative Thinking		Weak					Strong
	Having fun						
	Exploring everything						
	Playing with ideas						
	Making connections						
Analytical Thinking							
	Defining problems						
	Gathering information						
	Keeping focussed						
Critical Thinking							
	Evaluating ideas						
	Assessing ideas						
	Criticising						

For Read Out loud Readers: The table has finished.

Chapter 4 - Communication skills used in negotiations

In this chapter you will find information and advice on:

- How to 'read' the people you are dealing with, in order to know their real feelings and reactions in a negotiation
- How to appear confident and present your case effectively
- Constructing questions that gain information and listening for possible solutions without prejudice

'If you don't trust a person, they will not trust you.' Anon

Negotiation is concerned with influencing others. Your ability to use a range of communication skills will determine how successful you are in doing this. An effective conversation begins with you building initial rapport with the other person or people. Communicating clearly and demonstrating empathy will help you create an environment where proposals from both parties can then be discussed seriously. Once a successful agreement has been reached, there is then a basis for good relationships between the parties, making subsequent negotiations that much easier.

Building Rapport

Rapport is the initial connection you create with another person and should be distinguished from relationship-building which is a longer term process. It is much easier to build rapport face-to-face; however some of your negotiations may be by telephone, letter or email. In each case there is very little time to create a good impression as a basis for the conversation that follows:

- Building rapport takes only a few seconds, so think what impression you want to give
- Remember, the more senses you appeal to in the other person, the faster the connection will be made
- Be aware that the confidence you transmit through your stance and tone of voice are more important than the words you use at this early stage of negotiation

Studies by anthropologists such as Desmond Morris have found that in many cultures people are hugely influenced initially by the appearance of other people. It is wise to be aware that other people may decide whether you are a credible person with whom to negotiate, based primarily on your ability to display confident body language.

Some ways to display confident body language are:

Eye contact

Maintaining consistent eye contact, without staring, shows interest and sincerity. It also gives you an opportunity to concentrate on the facial clues that the other person is giving you.

Handshake

If appropriate, a firm handshake can show someone that you are self-confident. Again it also provides you with an opportunity to assess the other person.

Gestures

Open gestures with the palms facing outwards and arms open tend to display confidence. Conversely closed, protective and crossed arm positions tend to show defensiveness.

You are also likely to be judged on the tone of your voice, so practice and listen to this aspect of how you present yourself. Finally, in this early stage of the relationship, the actual words you use may have the least impact but are nevertheless important.

For negotiations on the telephone, think how long you sometimes spend preparing the words you will use and how little time on the way you will say them. Often, this balance should be reversed. Over three-quarters of the impression you convey over the telephone can be via your tone of voice, so make sure that you reflect this in your preparation activities.

Showing Empathy

You can effectively show empathy in a negotiation in a number of ways:

- Be aware of your prejudices and how this might influence your approach; avoid discriminatory language and do not make assumptions based on your prejudices.
- Pick up on clues offered in the conversation or the ways that people behave in order to determine what is most important to them.
- Try to get into their mindset; how do they see the negotiation?
- Understand why some concessions might be particularly painful for them because of tradition, emotional attachment or other reasons.

Prejudices

It is important that you approach any negotiation with an open mind, relying on your own observations rather than anecdotes to determine your approach with another person. Be very aware of your behaviour in the informal exchanges before 'getting down to business'. Many negotiations have failed at this stage because one party has made inappropriate assumptions or has not understood the culture, protocols and etiquette of the other party. For example, in many Middle Eastern cultures, initial meetings are very much concerned with building relationships. You should engage in conversation and try to get to know the 'person' you are doing business with in any new situation.

Perspectives

You may be able to glean clues about a person from the content and context of their communication with you. Their words and behaviour may give an insight into what drives them. Equally, the importance they attach to different aspects of a negotiation may help you piece together their priorities within the group or organisation in which they are working.

Concessions

Most negotiations involve a trading of concessions. You are likely to be most effective in achieving the hardest concessions if you understand how painful some concessions may be for the other person to give. This should be reflected in the respect you give when asking for the change. These four proven steps used by negotiators may be useful to adapt to your circumstances:

1. Use open questions to get the full picture
2. Genuinely listen in order to fully understand their point of view
3. Acknowledge, and get an understanding of, the detail of their concerns
4. Expect respect and serious dialogue for your concessions.

Showing empathy means that you also make it easier for people to maintain dignity at the end of a negotiation. Helping the other party in preparing how to communicate an agreement to their 'audience' is very important. This may involve sharing with them some of the comparative research you carried out prior to the negotiation.

Presenting a case

At some point in the negotiation, you will be persuading people to adopt your proposals. Whether this is in a small group or large forum, here are some ideas for presenting a case effectively:

- Be prepared - research your opposing audience
- Be concise - consider the time available
- Be ready - anticipate questions and cover them in the presentation
- Be simple - to reduce possible misunderstandings that could slow down the negotiation process
- Be vivid - use analogies and paint (verbal) pictures of positive outcomes
- Be yourself - to develop trust

Be prepared

- How and when would the other party like to receive the information?
- What is the perspective from which they will be listening?
- What would they like to hear and what would they not like to hear?
- What is their existing knowledge of the topics you will be covering?
- What evidence have you got to understand their expectations from the negotiation?

Be concise

- How much time is available to you?
- Can you summarise the essence of your case in 30 seconds if necessary?
- Do you need to adapt the timing of your presentation because of the concentration levels of your audience at particular times of the day?

Be ready

- Have you anticipated questions that might arise from your presentation?
- Have you prepared responses to the most difficult questions you may be asked?
- Are you clear on the questions that you will not answer?

Be simple

- Are you avoiding jargon?
- Are you avoiding judgemental phrases and words?
- Are you using the simplest words without being patronising?

Be vivid

- Are you 'painting the picture' of a better outcome if the other party adopts your proposal?
- Are you bringing the issues to life with examples, in order to get others to think seriously about your suggestions?
- Are you making use of analogies that will support your case and overcome people's natural resistance to change?

Be yourself

- Do you believe in what you are proposing?
- Are you coming across as someone who can be trusted?

Questioning

In any negotiation, your questions have two functions. The first is for you to find out information from the other party in order to frame proposals and agreements that are beneficial for both parties. Secondly, questioning effectively will help you to influence people. The types of questions you employ should be chosen carefully so that people do not feel they are being manipulated.

Types of questions and their usage in negotiations

We may use open-ended or close-ended questions:

Open-ended questions involve the other party and focus on the common search for an agreement. They are questions that start with *who*, *what*, *when*, *where* or *how*. Questions starting with *why* sometimes create a defensive response and so you could try to get information using one of the other open-ended questions, wherever possible.

Examples of open-ended questions: 'How will these work in practice?' 'Who would find this difficult to accept?'

Close-ended questions produce short, factual answers. You will find them useful to summarise throughout the negotiation building up small agreements that can be drawn together to conclude the negotiation.

Examples of close-ended questions: 'Do we agree up to this point?' 'How many people will be affected?'

In more detail:

Open questions

About	Useful starter question to establish a context <i>"Tell me about the issues as you see them please"</i>
Reflective	Show proof of listening <i>"So you have a deadline of next May to make a decision?"</i>
Hypothetical	Sometimes used to search for options <i>"Let's imagine that we could provide this, what would it mean to you?"</i>
Behavioural	To find effective patterns of behaviour on which to build <i>"When have we worked well together in the past?"</i>
Silence	To get key issues into the open

Closed questions

Multiple	Never used <i>"How many trips would that involve and what would be the costs and timescales involved?"</i>
Leading	Never used <i>"So we don't want to inconvenience the public do we?"</i>
Probing	To get detail <i>"So of the five loads, how many were more than 30 minutes late?"</i>
Blockbusting	To challenge generalisations, to seek options <i>"So do you have problems with our system every time you use it?"</i>
Checking	To confirm common understanding <i>"May I just check what you mean by a 'regular' meeting?"</i>
Specific	To cover areas being avoided <i>"Can you show us any examples of your work in this area please?"</i>

Here are some ideas for making negotiations more effective, and maybe even shorter. When you have a clear idea of how you want to guide the negotiation, you should be able to be more efficient and directive. You can achieve this by consciously considering the use of language and framing.

Framing or pre-framing

Establish a context for the negotiation at the beginning such as:

"We agree that both our communities have a right to celebrate our heritage. All we are discussing here is how we achieve that."

Relevancy

We need to know how relevant the negotiation issues are to the other party, or what aspects are particularly important to them.

"Is what we are talking about a high priority for you at the moment?"

Environment

This is a way of checking the pros and cons of an idea.

"How would things be different? Who else will be affected? What may happen if we don't reach an agreement?"

Outcome

These questions concentrate on the positive, i.e. on what we want, not what we are trying to avoid.

"What new options or choices do we have?"

Counter-example strategy

Rather than argue with the other party which will often entrench them, you can ask them *"Could this mean something different?"*

Chunking

This is changing the chunk size of any piece of information. It may be appropriate to go into more detail, and ask for more specifics. It may be necessary to ask the person to sum up and tell us what the bigger picture is.

"Shall we look at how this might affect an individual patient?"

Listening

There is a direct correlation between those people who are perceived to be good listeners and those who are good negotiators. You should continually develop your listening skills to extract the maximum information and meaning from what you hear and see when someone is talking. Three tips may help you:

1. Listen actively
2. Listen to understand
3. Listening without prejudice.

Listening actively means giving complete focus to what is being said and how. Use gestures and responses to encourage the other person to keep talking. Take notes in a manner that still allows you to look at the other person when they are talking, whether by asking for pauses to write notes or using the faster, more image-based note-taking techniques such as mind mapping™.

Listening to understand requires you to use the time a person is speaking to make sure you understand what they are trying to say. Some poor listeners will simply hear a key word at the start of a sentence and then prepare a response in their mind, rather than listen to the detail from the other party.

Listening without prejudice is about removing as many filters to your listening as you can. You may have some awareness of your own conditioning, and you should try to take account of this when you listen to other people.

- *Personality filters* – Your unique make up and strengths may affect how you listen to others. Be conscious of your prejudices and pet hates about people and how this might relate to your ability to negotiate with them. For example, if you are an analytical, measured person you may have a poor impression of people who act quickly, which you interpret as lack of thought. Instead, try to consider what strengths they might bring to a project.
- *Internal filters* – your perceptions may be affected by your age, gender, ethnicity, race, physical ability, sexual orientation and more. For example, you may assume that a level of knowledge and expertise in using computers is widespread in all age groups and not be tolerant of people who are less comfortable with new technologies.
- *External filters* – your life experiences and social factors may alter the way you listen to others. You should avoid generalising attributes demonstrated by someone with whom you have had a poor experience.

Equally your allegiance to a particular company, locality, sports team or other group may cloud your judgement of opposing groups or competitors.

Listening effectively will relate to how well you pick up on the type of words people use, how they say them and what emphasis is given to certain words. When negotiating, particularly on the telephone, you should attempt to pick up the nuances of language and tone to replace the visual cues that are normally used in face-to-face conversations.

From this 'deep' listening, you may be able to identify what combination of factors would provide a way to conclude a negotiation and get agreement. This requires you to find what issues are important to the other party and balance your proposals so that both parties benefit. The following table may help you create a mix of factors that is beneficial to both parties.

Checklist of variables to create balanced agreements

Consider how you could incorporate these factors to achieve a better result.

Time issues	<ul style="list-style-type: none"> Delivery Length of agreement Renewal issues Speed of implementation of agreement After service
Cost issues	<ul style="list-style-type: none"> Delivery charges and speed Quality issues Quantity issues Payment terms Payment methods (card, bank transfer, cash) Bartering Security of continued payment
Structural and Relationship issues	<ul style="list-style-type: none"> 'Road maps' to resolution Mini-agreements to build up to a resolution Involvement of other parties Maintenance issues (self or contracted in) Opt-out issues and flexibility New relationships
Communication issues	<ul style="list-style-type: none"> Publicity about agreement Review issues Problem-solving protocols
Environmental issues	<ul style="list-style-type: none"> Geographical /spatial issues Carbon footprint issues
Social Responsibility issues	<ul style="list-style-type: none"> Employment and job-creation issues Supported employment for vulnerable people Grants and bursaries

For Read Out loud Readers: The table has finished.

Chapter 5 - Being in the right frame of mind

In this chapter you will find information and advice on:

- How important it is to be clear of the outcome you want from any negotiation
- How to interpret other people's reactions and behaviour during a negotiation, to ensure effective agreements are reached
- How to 'break through' in negotiations that appear blocked

You rush to the ticket window at the train station. You ask for a ticket on the next train, because you must get home. You pay five times the price of a cheap ticket, because you didn't plan ahead. You hadn't got time to haggle because the train was leaving in 3 minutes....

This is a common experience, but not the best state in which to negotiate with the ticket clerk.

Being in the right frame of mind is key to being successful in any negotiation. This means finding out as much information as you can around the issue you want to resolve. It also means planning what you:

- Must achieve
- Intend to achieve
- Would like to achieve

Spending a little time working through the following five steps will help you prepare effectively prior to the negotiation:

Step 1: Visioning successful outcomes for yourself and other people

If you establish a picture of what a win-win outcome to your meeting would look, sound or feel like, you are more likely to achieve it in practice. This helps you think about the sequence of stages that may get you there, the options that may get you there and the longer term relationship you might have with the other person. In effect it prepares your mind for the flexibility of thought that is required in effective negotiations.

This idea of 'visioning' consists of imagining already experiencing an ideal future, describing it in detail as if it were real, and then 'remembering', step-by-step, how it was arrived at. Not only is your future ideal mapped out systematically, but also the steps needed to achieve that ideal are opened up.

Creativity is a characteristic of effective negotiation. It is not simply about bargaining around some middle ground but instead developing new ways of working with others. Using the visioning process helps you to be more open to creative ideas, as you are not 'weighed down' by the immediate day to day barriers to progress.

The overall effect of this 'visioning' approach is that the language you use to talk about your needs will invariably be positive and show empathy. This gives you a greater chance of influencing others, whilst maintaining a good relationship for the future. The next area in which to prepare yourself is to deal with the human prejudices which affect us all and restrict our chances of success.

Step 2: Keeping your negative filters and prejudices in check

Many negotiations in communities and workplaces are restricted by prejudices and misunderstandings. Your ability to negotiate effectively with a range of people will depend upon how skilful you are in reducing these barriers to communication. Practising the skill of critical thinking will also help you to become an exceptional negotiator, able to work through seemingly impossible situations.

You may have some awareness of your own conditioning – you now need to think about how you interpret other people's. As a negotiator you should be aware of the filters through which you see others:

- Personality filters – your unique way of interacting with other people provides a possible point from which you may judge or 'filter out' others.
- Internal filters – you may need to check your responses concerning aspects such as age, gender, ethnicity, race, physical ability, sexual orientation etc.
- External filters – your life experiences and social factors such as location, income, marital status, personal habits, leisure habits, religion or work experience may play a role in your decision-making.
- Organisational filters – your perception of social class or work hierarchy and empowerment may affect your effectiveness as a negotiator.

No-one always acts purely objectively and rationally. Recognise the temptation to gossip, boast and exaggerate but remember that in the process of satisfying your ego, you may be vulnerable to being manipulated. This is why the skill of critical thinking is an essential part of your toolkit. Critical thinking helps you be a better negotiator by reminding you to be:

Rational - This means you use reason rather than just emotion when framing your discussions. It means you look for direct evidence of issues, ignoring gossip about other people or groups.

Self-aware - You recognise your own assumptions, prejudices, biases or point of view and how it might affect you.

Honest - You are thinking critically when you are really honest with yourself about your emotional impulses and selfish motives that may be affecting you during a negotiation.

Open-minded - Your willingness to accept new solutions and be future-focused will help create workable agreements

Disciplined - Being disciplined and measured will protect you from being manipulated and reacting to irrational appeals.

By using critical thinking you will get into a frame of mind that is sceptical and questioning, but open to new ideas and perspectives.

You must challenge non-critical thinkers who take a simplistic view of the world when negotiating:

- They see things in black and white, as either-or, rather than recognising a variety of possible points of view.
- They see questions as yes or no with no subtleties.
- They fail to see links and complexities between issues.

In order to be able to influence individuals or groups like this you need to tune in to their way of thinking.

People often give away many clues as to their frame of mind from:

- The words they use (are they positive, how do they perceive the world)
- The phrases they construct with these words (big picture or detail etc.)
- The emphasis they give to different words in a phrase or sentence
- The 'sub-conscious' body language messages they attach to these conversations

By being able to read signals on the telephone or face-to-face, you can create a very successful rapport that enables you to carry out negotiations quickly and successfully. You will also be transmitting these signals yourself so it is important to spend some time before a negotiation thinking about your current state and ability to be positive, assertive and empowered. You should also be aware of how you prefer to communicate and be prepared to alter this for the benefit of the other party in the negotiation.

Step 3: Avoiding judgemental reaction

One way to avoid judgemental reaction is to use a model like 'Transactional Analysis' to understand how we might interact with another person.

Transactional Analysis is a model for explaining why and how:

- People think like they do
- People act like they do
- People interact and communicate with each other.

Think of the brain as recording and storing events and the feelings which are linked to them during your life. It then uses this database to suggest responses to new situations. Some will be immediate reactions and some more measured responses. You will find you can group these responses into three distinct types:

- Parent state – **reactive** thoughts and patterns based on lessons learned from parents and other 'parental' or authority sources. Feedback from 'parental' figures tends to be either critical or nurturing.
- Adult state - **responses** where behaviour is based on analysis of information and logical calculations.
- Child state - **reactive** feelings and patterns based on child-like emotions and impulses you have experienced such as anger, curiosity, jealousy and eagerness to please.

It is clear that you will be a better negotiator in your workplace or family if you are making measured responses most of the time.

Being assertive will help you make these measured responses in conversations where there is disagreement or tension. Assertiveness means being able to express your needs in a calm, non-threatening way. In effect it is about creating a balanced, equal conversation.

Be careful to avoid being influenced by manipulative responses, irrelevant logic and invitations to argue over, rather than solve, the issue.

Examples

You: *"I bought this cheese yesterday. When I got home and opened it, I found it was mouldy. I want my money back please."*

Shop Assistant: *"Nothing to do with me. I wasn't here yesterday."*
(Irrelevant logic)

You: *"I bought it in this shop and it is inedible. I want my money back please."*

Shopkeeper: *"That sort of cheese is meant to be mouldy. If you don't like that sort of thing you shouldn't buy it."* (Argumentative bait)

You: *"I know what kind of cheese I buy. This is bad and I want my money back."*

Shopkeeper: *"Look, there's a queue of people waiting behind you. Please would you let them pass? It's not fair they should have to wait."* (Manipulative bait)

You: *"I can see that there are people behind me but I bought this cheese yesterday. It is inedible and I want my money back. (Third repetition)"*

Shopkeeper: *"Well, how much was it then?"* (in a resigned, unfriendly voice, but nevertheless they give the money back)

Step 4: Demonstrating credibility and quiet confidence

Preparing a robust case for your issue should give you greater confidence. The time spent thinking through the options, barriers and outcomes that might be expected will be well spent. It will help you communicate more clearly and succinctly in the actual discussion.

Your credibility as a negotiator depends upon how trustworthy, competent and reliable you are in the eyes of the other person. The best way to demonstrate this is by preparing insightful questions that show you have a real understanding of the other person's situation or context.

Step 5: Being solutions-focused

When you approach a negotiation in a solutions-focused frame of mind, it is not just about being positive. This way of thinking builds on the visioning of step 1 and it provides a way to progress any issue. It helps you pre-think what common interest already exists, however small, between the two parties in the negotiation. It helps you think what **level** of common interest already exists and what **small incremental actions** could be taken immediately to improve this level. Finding the solution to an issue requires you to stop doing what is not working and do **something different**, even if that only provides you with more data around which you can build possibilities for agreement.

In practical terms, in order to be prepared to enter a negotiation, your mindset should be:

- Searching for an agreement that both parties want to keep, not one that needs to be enforced.
- Considering the use of an 'arbitrator' or facilitator to keep a check on negotiating tricks, confrontational habits and irritators that can creep into any negotiation at home or work.
- Being extremely clear about what you want and when you will walk away.
- Preferring a creative and collaborative approach but being strong and forceful in achieving this.

Summary

1.To ensure a successful outcome,	I will...
2.To remove negative prejudices,	I will...
3.To avoid reacting judgementally,	I will....
4.To adopt confident body posture,	I will...
5.To find (new) solutions,	I will...

For Read Out loud Readers: The table has finished.

Chapter 6 - Understanding the landscape in which you negotiate

In this chapter you will find information and advice on:

- The powerful physiological drivers that influence all negotiations
- How to construct arguments that match people's needs in a negotiation
- How to avoid the misunderstandings that destroy or slow down many negotiations

You walk into a party. Sports programmes are on television screens around the room. To make conversation with the person you have just met you ask "Whom do you support?" expecting a team name. "I support Action Aid, I give a fixed amount each month" is the reply.

Not the answer you were expecting. Here is an opportunity, though, to think quickly and take an interest in this new person and their interests.

Understanding the landscape in which you are negotiating is vital. What are the expectations of other people with whom you are negotiating, in terms of communication? What needs and fears mould their responses and what misunderstandings might arise due to different culture, gender, nationality or expectations?

The following four areas of focus provide some insights into what could be effective strategies to use in different negotiations:

Focus 1: Understanding the common characteristics of how people function

The following characteristics are common to many people from a variety of backgrounds and cultures. They may be displayed to a greater or lesser extent but often these 'drivers' affect how people function, dress, interact, live and collaborate:

- People want to be accepted into a group
- People operate in conditioned ways when they are in conflict with others, usually following the same sequence of behaviours
- People tend to do the things that make them feel good about themselves
- People can be petty
- People may be aggressive, submissive, assertive and/or manipulative to differing degrees at different times
- People will only trust people who trust them
- People can often mask their true personality in social situations.

Many of these characteristics and how they are displayed will have been affected by a person's upbringing and experiences. Questioning around these areas may help you to negotiate with different types of people effectively, for example:

"What have been some of your recent achievements?"

"What irritates you?"

All the time you are looking to understand what really motivates the person with whom you are dealing.

Look at how they employ their personality strengths in dealing with others and adapt your approach accordingly, so you are 'speaking their language'.

Remember also to be tolerant of their strengths which may irritate you if they overplay them. For example, someone who is quiet and reflective may appear distant and unresponsive to you.

These common characteristics may help you interpret behaviours or suggest ways to influence others. If you are dealing with people that are analytical then a logical, detailed approach may help you to win them over. Conversely, people that are driven by making things happen quickly would prefer a more direct process of reaching an agreement.

Good negotiators will gain the power to influence by the promise of a reward or sanctions for certain actions.

"If we can't reach agreement by tonight then we will have to withdraw our offer."

Focus 2: The progression of needs

The route that we take in very different negotiations is often surprisingly similar. There appear to be needs that people have, that must be satisfied in a specific order as defined in Maslow's 'Hierarchy of Needs'. Identifying where people are on this progression helps you to deal with them more effectively. In order to achieve your own priorities see if they are at:

Step 1: Are the people to whom you are talking concerned about their safety and well-being? Are they concerned about their jobs, homes or way of life? If so these basic concerns must be addressed before people will discuss other issues.

Step 2: If these basics are satisfied, only then can your negotiations be about mutual benefits such as, for example, shared profits in a company. People will often be willing to negotiate on details at this stage, but they may still be sticking to traditional bargaining positions rather than the more innovative agreements you can obtain by appealing to higher motivators.

Step 3: In some situations we can build on the previous steps to make significant steps in resolving disputes by appealing to very powerful motivators. This is achieved by understanding what really is important to the self-esteem of a particular person and then trying to develop your offer to meet this need.

Be aware that any negotiation fulfils the need for people to get attention. Remember that if people are not getting positive feedback they may encourage negative attention simply in order to get attention. This may explain behaviours that seem unpredictable and unhelpful to you. Factor this into your responses and recognise that some behaviour may simply be a 'cry for attention,' indicating a more basic need has not been met.

For example:

The phrase "*We are not getting anywhere – there is no point in carrying on*" may simply be a way for the other party to convey that they are confused as to where next to take the negotiation. Understanding this, it might be helpful for you to summarise, suggest a short break and then offer a proposal for the next stage of the negotiation.

Focus 3: Needs and fears that influence negotiations

The needs that may influence a person in a negotiation can be thought of as tangible and intangible. Tangible needs could be, for example, someone wanting a car that is able to tow a caravan. Intangible needs however might be the desire to show status by matching the styling of the car and caravan. Bear in mind both these types of needs that may be at play in a discussion and do your best to frame your conversations in terms relevant to these needs.

The fears that provide an 'undercurrent' to a negotiation are often simpler and more basic than you might imagine. Fear of change often has a huge impact on the ability to develop quick solutions to problems. However, very basic fears such as rejection, confrontation and being embarrassed, can impact on many daily interactions that we encounter at work and home.

In order to identify whether there are particular fears influencing a negotiation, you should stand back to observe and listen to:

- The language people use, whether it indicates individualism or group allegiances
- The rituals they adopt such as the formality or informality of meetings
- Any indication of the heroes and the role models in which they believe
- Any indication of the values, norms and standards in which they believe.

To obtain successful and workable agreements from negotiations, remember that what you do to minimise fears, to allow people to 'save face' for example, is important to the on-going relationship you will have with the other party. Try to help people with ideas for how to effectively communicate the agreement to others. Suggest times to have discussions as to how agreements are working in practice. Anything that reduces the apparent risk will be welcomed by the other party.

Focus 4: Cultural expectations in dialogues

Culture can be framed in various contexts. It could refer to:

- Families
- Teams
- Communities
- Organisations
- Regions
- Countries
- Religion

In these units, culture impacts on the **process** of a negotiation, that is how issues are discussed, what level of emotion is involved and how decisions are made. If you are involved in a *mono-cultural* negotiation, in a family or a team, it may be necessary to use an outsider to monitor fairness. Of course *multi-cultural* negotiations, between teams for example, is likely to take longer, as time will have to be spent on agreeing the process, in order to avoid any possible misunderstandings.

Multi-party negotiations

The essence of negotiations between two different teams or organisations is seen in how people from different groups relate in meetings. Often the potential benefits of such meetings can be limited by the poor standard of the meeting. Here are some best practice tips:

The agenda

The agenda establishes a clear statement of purpose and should normally be issued at least 5 days ahead of any meeting, to enable participants to prepare effectively. It should reflect the needs of the group and be clear about what is required of participants at each stage of the meeting. Best practice collaborative meeting agendas should contain a start and finish time, decisions to be made and timed segments with accountabilities for leading presentations or discussions. 'Any other business' should either not be allowed or be positioned at the start of the meeting, to allow the chair to take a decision on priorities.

The roles

It is particularly important to allocate the following roles to different people in 'multicultural negotiating meetings':

- The chair – who is responsible for content
- The facilitator – who is responsible for process
- The minute taker – who is responsible for clarifying actions and recording short action notes or full verbatim minutes.

In early stage meetings with new relationships, the role of the facilitator is vitally important. The first agreement for the parties should be on the process of meetings and related activities before, during and after the meetings. The facilitator's role is to ensure fairness of approach and clarity of understanding for all.

When chairing a meeting which involves a range of representatives, it useful to consult widely on proposed agendas to ensure key areas of concern are included. Common pitfalls often encountered in these meetings include:

- Being over-ambitious in terms of the amount that can be achieved in one meeting
- Not understanding that 'multi-cultural' meetings will take longer than 'mono-cultural' meetings
- Not spending enough time on agreeing protocols.

The role of minute taker is very important in best practice meetings. For multi-cultural negotiations, minute takers need to take a larger role than is sometimes the case in mono-cultural meetings. Key actions might include:

- Before the meeting – sitting in and observing meetings in a partner organisation to observe protocols and use of words. Pre-meeting with the chair to understand the nature of minutes required and background for the meeting.
- During the meeting – ‘writing up not down’ i.e. using a flipchart or screen projector to provide a visual record of key points during the meeting, in order to enhance the overall understanding for everyone involved.
- After the meeting – allocating sufficient time for “sign off” of the agreement.

Summary

What do I need to do to understand the behaviours of the other negotiators?

By research By questions By listening By evaluating

Basic drivers (personal)				
Motivations (in their role)				
Fears and needs (in their role)				
Alliances with other parties				
Cultural protocols				

For Read Out loud Readers: The table has finished.

Chapter 7 Give and take

In this chapter you will find information and advice on:

- Asking for concessions with tenacity
- How to give concessions to get the optimum benefit
- How to and why use effective questioning as the automatic response to proposals from the other party
- The importance of finding common ground between parties, however small

"The skill of negotiation is about listening to what is not said in the conversation"

The crucial part of any negotiation is about what you give and take. Your success will be related to your willingness to compromise or to be bold and create new possibilities. How you get and give concessions will affect how successful you are in your negotiating goals.

Specifically you need to consider how you label and release your concessions. Also you need to use whatever power you have to get concessions, and do this whilst keeping in mind the bigger picture.

Getting concessions

Think of the scenario where a private individual is selling a large wardrobe and has advertised it in the local newspaper at a cost of £750. You visit the small flat to view the item, and you see new furniture still boxed up in the hallway. You ask if they will accept £650, they say no. You then ask if they will accept £650 if you take the large wardrobe away that same day. They agree.

In some sense one of your most powerful tools is **reciprocity**, the pressure to trade and to exchange. As a negotiator the best way to get a concession is to give one. The best time to get a concession is when you have just given one, perhaps defining exactly what concession you require:

- Use the obligation that people feel to reciprocate to get concessions
"If I do this, will you do that?"
- Use assertive language to ask for concessions
"I expect this will enable you to make some adjustments."
- Be prepared to walk away if you are not getting good concessions.

Another powerful tool to getting concessions is to **ask** for them. Asking for reasonable concessions is seen as part of the negotiation process. Once you have asked, listen carefully to the answer, persist and look for what is not said:

You: "Can you give me a 5% discount?"

Them: "No"

You: "Can anyone give me a 5% discount?"

Them: "My boss"

You: "Do you think they will give me a 5% discount?"

Them: "Probably, yes"

Concessions may arise if you use hypothetical questions to probe the issue:

You: "If we buy, what is your stock level like?"

Them: "No problem, actually we have a surplus at the moment."

You: "With a 2.5% discount, we could reduce that surplus for you today."

Giving concessions

When seeking reduced payment on a 'big ticket' item such as furniture or a car, how many times have you experienced the salesperson say "*I need to talk to my boss about that*"? They often return with a positive answer. In truth they would be able to authorise the concession themselves but they are making you believe you have got a special deal and therefore making it unlikely that you will ask for further concessions.

When giving concessions it is not just about what you say, but how you say it. This is not about game playing but more about understanding how people interpret your concessions.

- Give up concessions slowly and thoughtfully
- Give concessions that are valuable to the other party, but are no less valuable to you
- Make your concessions in stages, rather than all at once
- Make your concessions progressively smaller as if moving to an end point
- Always trade concessions, never giving them without asking for something in return

Taking a slow, measured approach to releasing concessions has two advantages for you as a negotiator. Firstly, it allows you time to consider what concessions you will ask for in return from the range of variables that make up any agreement. Secondly, it gives the impression that the concession has been hard won, which provides a level of satisfaction for the other party. The slower pace also allows you time to understand what low cost concessions will be perceived as valuable to the other party.

Giving concessions in progressively smaller instalments creates a sense of collaboration between you and the other party. It also acts as a basis for developing a relationship. This strategy also shows that you are working towards a bottom line, beyond which you will not negotiate. Often the other party has to report back to their peers or line management and again this measured approach allows time for this to be achieved.

Responding to proposals

A common mistake that inexperienced negotiators often make is to put forward an immediate counter-offer to a proposal from the other party. You will be more successful if you initially focus on and question their proposal. If it is a good proposal, your questions will help you show that you understand the agreement. If it is a poor proposal, your questions can be used to break down the logic of the argument or the practicality of their solution. Use questions such as:

"How would this work in practice?"

"What risks are there in terms of meeting the deadline?"

"In the worst case, what would the programme look like?"

In the latter case of a poor proposal, your action of giving appropriate focus and time to their proposal will gain you some goodwill even if they lose the argument. Where their proposal is obviously unrealistic it may be better not to engage in any dialogue and wait for a more realistic approach.

Seeking adult-adult conversations

Think of the best negotiations as being conversations which are balanced, non-emotive discussions between 'adults', designed to reach mutually beneficial agreements. Compare this with less effective situations where at least one of the parties is being 'childlike' by asking for unreasonable concessions or using poor behaviour to promote their cause.

Equally, there is the risk that one of the parties tries to dominate or patronise the discussion as a 'critical parent' would. This should encourage you to always act in an adult-like manner to encourage the same reasonable behaviour from others.

Finding common ground

To engage in a balanced discussion you will find it useful to start your conversations with a basis for agreement by finding some common ground. The excellent work of the Northern Ireland Parades Commission is based on finding an element of common ground between the parties, no matter how small. It is much easier to engage in the trading of concessions when both parties have a foundation and framework in which to operate.

Your ability to describe a **bigger picture** for your negotiations will help you influence the boundaries for your discussions. It could be a common agreement such as:

- *profitability* in commercial negotiations
- the *effect* on and constituents in public negotiations
- adherence to widely held *principles* such as free speech or freedom to demonstrate
- a general *shared experience*, which could provide a framework for negotiating the details of how to improve services or working practices, for example.

Using interests rather than positions to negotiate

To develop a starting point for negotiation sometimes seems impossible. Use the following approach to identify where there is room for give and take:

- Firstly, state your **position** around an issue and hear the other party's position
- Secondly, both parties **detail what are their interests** or concerns that help to explain why they hold that position
- Thirdly, notice where the interests **overlap** and think about creative solutions to meet everyone's interests.

For example, a school wishes to improve the standards of pupil uniform by nominating a single trusted supplier. They are firm in their **position**. Parents and guardians think this is unreasonable because it removes choice and may increase expense.

The **interest** of the school management is to create an environment of equality and smartness. Their interest is also to reduce the time spent by teachers in monitoring uniform rules, allowing more time to focus on teaching and learning.

The **interests** of the parents and guardians are to support the school's standards, however they want an economical solution. They also are keen to ensure their children are able to get uniforms that meet their individual needs such as larger or smaller sizes or clothing issues related to medical and cultural requirements.

There are, therefore, areas of overlap in interests because both parties have a joint interest in improving standards and in promoting equality and diversity. A possible solution is:

- The school buying in bulk from the preferred supplier to provide savings; parents and guardians then buy from the school.
- The school uses bulk buying power to persuade the supplier to provide non-standard sized uniforms for pupils with particular needs, at the same price.
- The solution also provides ease of sourcing, saving time for parents and guardians.

Compromise and creativity are the essence of any good negotiation. Using the approaches outlined in this chapter will help you to be successful in this crucial 'give and take' stage of any negotiation.

Summary

What **signals** are you looking for or might you give?

Type:	Look for:	Give:
Ego state - 'parent, adult or child' behaviour		Adult
Visual signals - body Language		
Verbal signals - words		
Interests shown by energy and enthusiasm		

For Read Out loud Readers: The table has finished.

Chapter 8 - Your negotiation journey

In this chapter you will find information and advice on:

- The 5 stages of any negotiation
- The techniques you can use to help advance things at each stage
- What roles need to be covered when you are negotiating as part of a team
- Techniques for closing negotiations
- Writing up and checking the agreements made

You will find that all negotiations tend to go through five phases. There is a **preparation phase**, then you enter into a **discussion** with the other party where **proposals** are made. Finally after some **bargaining**, an **agreement** is reached. From informal discussions about, for example, cleaning rotas in a household, to formal management–union negotiations, the approach should be broadly the same.

During these five phases, you can use certain identifiable techniques which help to advance the negotiation process. This is what to do in the four phases prior to reaching an agreement:

Prepare

You should carefully work out what your objectives are. You write these down – not only what you would like to achieve, but also what you **must** achieve as a minimum.

Discuss

Once face-to-face with the other party, you explain your position and listen to their position. You then try to find the reasoning behind the other party's position, questioning until you fully understand it. At this stage you can give **signals** about any issues or areas upon which 'movement' might be possible. You watch and listen carefully for **signals** from the other party.

Propose

Once you fully understand what the other party would like to achieve and you are satisfied that they understand what you would like to achieve – then you make hypothetical, tentative proposals, using a phrase such as:

"If you will then I will consider....."

You will need to work hard at **"packaging"** your proposals to meet the interests of the other party. You should engage yourself in a constant search for items which are "cheap" to concede but valuable for the other party to receive.

Bargain

This is the process of exchange and counter exchange which most people would recognise as the key activity of the negotiator. Specific, but conditional, statements are made by both parties, always inviting agreement: "If you..... then we....."

During the bargaining phase, you will need to search for a close to the deal, looking for the 'buying signals', taking care not to give anything away for nothing without something in return. Finally you agree, confirm what **has** and **has not** been agreed and then write up and sign a joint agreement.

For more formal negotiations, where you are part of a community group or business team, the following checklists may be helpful:

Prepare

If you are part of a negotiating team, allocate the roles as follows: In a team of three there should be a **Leader**, **Recorder** and **Observer**. The leader is accountable for the progress of the negotiation towards an agreement and also makes decisions about the process and content of the discussions also. The recorder ensures that detailed records are kept for the team to use during and after the negotiating process. The observer's role is to pick up any body language signals from the other party in order to assess their honesty and acceptance of ideas. As a team you need to make decisions as you prepare:

1. Collect information. What are you negotiating about? Gather as much information as you possibly can about the case and the other party. Having done that, think ahead to the 'discuss' phase, examining not only your own arguments but also the likely arguments of the other party.
2. What are your objectives and what are their objectives likely to be? Estimate what you and they must, should and could achieve.
3. Look ahead to the negotiation process itself. What is the opening statement likely to be?
4. What about "packaging"? What are their interests and their inhibitions? What is "cheap" to concede but valuable to receive, and vice versa?
5. If you cannot agree, what is your "BATNA" – best alternative to a negotiated agreement? And what is theirs?

Discuss

So the discussion phase is about:

- Presenting your case
- Listening to their case
- Giving information about your case
- Asking questions about their case
- Giving signals
- Receiving signals

Good habits include: listening, questioning, summarising and signalling. Bad habits include: interrupting, allocating blame, point scoring, talking too much.

Prepare your argument in advance. Remember the aim is to list and explain the things you would like to achieve and to find out what the other party would like to achieve.

Having prepared your own argument, take positive steps to listen and really understand the other party's argument. To avoid circular arguments, listen, take notes and summarise.

On what items are you able to signal a willingness to move and how do you make such signals? After this discussion phase is over, make sure that you ask for a break. Use this time to ask yourself:

- Am I sure that they understand my position?
- Do I understand their position?
- What seems to be important to them?
- Look at the must, should, could list
- What signals have been received upon reflection?

Propose and package

Propose:

1. Proposals are preferable to arguments, because it is difficult to negotiate arguments
2. This is the type of language to use: *"If you willthen we will consider..."*
3. Place your higher, specific conditions before your lower, unspecific concessions.
4. Remember, don't just state a grievance, propose a remedy
5. Use strong language, for example *"we require.."* or *"it is essential for us to"*

Package:

1. What points in your offer can be made more attractive to the other party and how can this be achieved effectively?
2. What can you do to meet their interests and address any inhibitions?
3. Look again – what is 'cheap' to give and valuable to receive?
4. In planning your proposals, open realistically and move modestly.
5. In light of any signals received, try to determine the likely pace of counter-proposals. Try to think ahead from your first proposal to your next and so on.

Bargain

1. At this stage the language is "if you then I"
2. Never give anything away without something in return.
3. Watch out for 'buying signals'.
4. Consider the type of **close** to use:
 - Concession – what concession is available?
 - Demand – what reasonable demand can be made?
 - Summary – package your proposals
 - Either / or - which of two alternatives are available?
5. Look for creative solutions not compromise, if possible.

Agree

Of all the phases, this is the one that is most overlooked by inexperienced negotiators. You are more likely to achieve a robust, long-term agreement if you follow the checklist below:

1. List the agreement in detail and spend a reasonable amount of time checking what you have agreed.
2. Consider involving a third party to confirm that they understand the agreement.
3. Sign an informal or formal agreement.
4. Sleep on it – after the negotiation, in the 'cooling off period', re-visit to check whether there could be any possible misunderstanding.

Chapter 9 - Checklists

Personal negotiation checklist

Before

- My negotiation is about:
- My objectives are:
- How am I going to negotiate?
- What do I want to achieve? What is my target?
- What is my BATNA (Best Alternative to a Negotiated Agreement)?
- What is my bottom line?
- What do I know about the issue I want to negotiate?
- What do I know about the other party within the negotiation? What insights have I got into how they operate?

After

- Am I certain as to what I have agreed?
- Have I got "evidence" that they know what they have agreed to?
- Have we signed an agreement, however informal this may be?

Negotiating on the telephone checklist

Remember that in the absence of body language, negotiation on the telephone requires a higher degree of concentration than face-to-face.

Taking notes:

1. Always make preparatory notes to maintain focus during the call
2. Always take notes, ideally on one sheet of paper to identify connections and possibilities for agreement from the whole conversation
3. Write down your bottom line beyond which you will not go,

Talking:

1. Use plain language
2. Adopt a clear tone
3. Use "I" rather than "we" when describing your interests, to add impact to the conversation
4. Summarise frequently, to build small agreements throughout the call
5. Use forward-looking, encouraging language such as:
"I really feel we are creating something good here" as a positive substitute for the absence of body language cues
6. Explain what you are doing when there is silence in the conversation, necessary for calculating or thinking

Listening:

1. Listen for emphasis on particular words in a sentence. For example:
"I cannot give permission for that." may mean that *someone else* could give permission.
2. Wait for answers in the conversation, even if the silence seems to go on for some time. Allow a measured approach.
3. Listen for tension or relaxation in the voice of the other person, indicating when it is right to move the negotiation forwards
4. Paraphrase in your own words the other party's proposals and agreements to ensure there is a common understanding – for example:
"So what I think you are saying is...."
5. When the negotiation is complete, close the call politely to avoid 'diluting' the agreement.

Negotiating by email

You may find yourself carrying out negotiations by email. Use the following checklist to operate effectively using this media:

1. Use plain language and avoid subtleties of humour that may not translate well in print.
2. Use a blended approach by making some telephone contact. Also attach slide presentations or video / audio clips, if appropriate, to provide some context to the negotiation.
3. Proof read your emails as you would a letter.
4. Be very sensitive about circulation list. Give the other party respect, by allowing them to be involved in deciding who should be included in the email.
5. Use positive phrases and summaries to develop trust and build relationships with the other party, for example:
"I think what we have achieved to date is excellent."
6. Create electronic folders to receive and store your emails for a particular negotiation, in order to ensure an efficient and transparent approach.

Afterword

By applying the tools and techniques provided in this useful guide, you should find it easier to negotiate for yourself or on behalf of others, with improved outcomes. At home, negotiation helps to develop honesty between people and avoid destructive confrontation building up over time. At work you can use it to ensure fairness of opportunity and workload in any team. In the community, negotiation can be an effective tool to create better cohesion between the various parties involved.

You can use this guide, together with the other Useful Guides listed below, to help you to consolidate your learning:

- Assertiveness
- Being Influential
- Resolving Conflict

Feedback

We are always trying to improve our Useful Guides and would appreciate any feedback you can give us on A Useful Guide to Negotiating Effectively. Please click on the link below to access our online feedback form ...

<http://www.pansophix.com/useful-guide-feedback.html>

If we use your feedback to improve **A Useful Guide to Negotiating Effectively** we will email you a copy of the updated version.

Resources

Pansophix has many resources including free tips and tools at 247freetips.com.