

Negotiation, Influencing and Mediation

This fact sheet is intended for the use of town planners working for planning authorities but would also be relevant for staff across an authority. The concept of this fact sheet is to provide key information on the subject, combined where relevant with instruction on how to undertake specific actions or tasks.

Influencing

Influencing is about persuading someone to agree to undertake a course of action you would like them to take. There is no one right way to influence someone. It is simply about selling an idea or course of action.

Influence is often achieved through the use of power. In fact the terms are sometimes, wrongly, used interchangeably. Common forms of power used are Authority, Peer Pressure (Conformity), Charisma and Coercion. These, however, are developed over time, certainly not always available to us and misuse can damage relationships. (Link: *Sources of power in influence and negotiation*)

One key principle behind more effective influencing models is people will only agree to do something when there is something in it for them and to influence them you need to be clear what this is. This is often referred to as fulfilling a “need” they have. The need could be obvious and clear stated such as career advancement or money. However there are also often unspoken reasons such as the pride of doing a good job, the satisfaction of doing something good for someone or avoiding the conflict that comes from disagreeing with the boss.

Typically we present an idea or course of action to someone, tell them why it is a good idea in general and then we sometimes follow on with why this is a good thing for them. While this does deliver the right information, it suffers from the human reaction to think of the reason why not as soon as you present the initial idea. In fact they are thinking of this as you explain why it is a good thing and therefore not really listening to you. It is more effective to start by guiding the conversation onto the potential benefits, then presenting the action you would like someone to take.

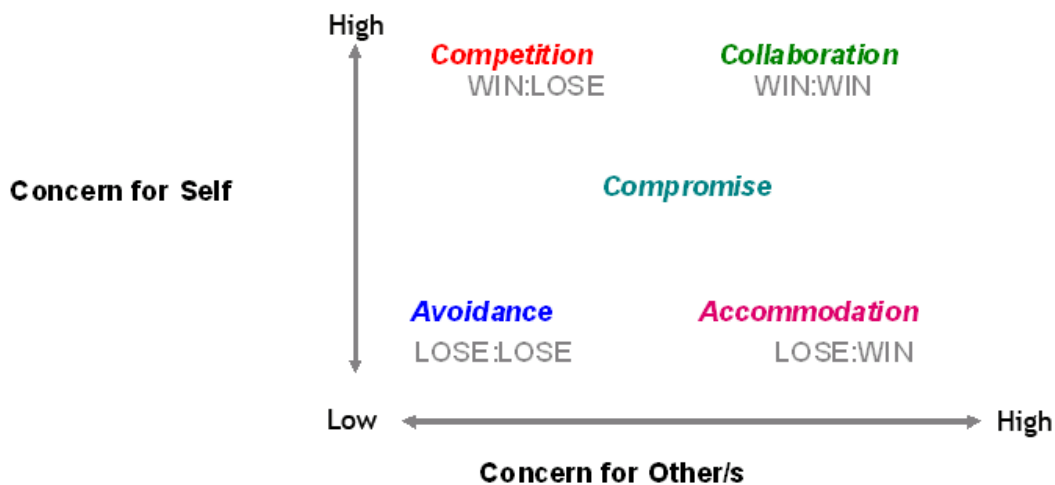
For example - You are looking for an applicant to improve the quality of their applications: A conversation which starts with you asking for the applicant to improve the quality of submissions will lead to them becoming defensive, even though you explain why this is worthwhile for them. Start the discussion by asking how important quicker timescales are to them, (a potential benefit to them of a better submission), and then once on this topic, present how they can help achieve this (by improving the quality).

Action Points:

- Use power carefully and sparingly
- Be clear on “What is in it for them?” before starting to influence
- Start the conversation by helping them focus on the benefits to them before presenting your ideas
- At the end the conversation ask for the commitment clearly
- Do not forget the importance of being personable.



Negotiation



When it is not possible for an issue to be resolved by influence you reach an impasse where you may need to negotiate. In any negotiation there are two key factors at play. “How concerned are you about getting what you want?” and “How concerned are you about the other person getting what they want?”. The relative importance you place on both of these leads to a variety of possible styles to handle any negotiation. All of these have their benefits but we tend to revert to our typical habits and styles - it is far more effective to consciously decide which style you will apply. (Link: [Negotiation styles self assessment](#))

Conflict Handling Styles

Competition - When one party struggles to achieve his or her goals regardless of the impact on other parties involved. These familiar “Win-Lose” conditions occur when one party tries to prevail only at the other’s expense. People who use Competition frequently call the formal authority system into play, seeking the support of “power players” who will help them dominate their opposition. Notice that this style is high on the self-interest scale and low on concern and respect for others.

Uses:

1. *When quick decisive action is vital.*
2. *On important issues where unpopular actions must be implemented.*
3. *Against people who take advantage of noncompetitive behaviour.*

Avoidance - occurs when one or both parties simply withdraw from or suppress the conflict, by far the most frequent response. People avoid the problem out of simple indifference to the outcome or because they feel inadequate to deal with it. If withdrawal is not possible, one or both parties may suppress the conflict, keeping it simmering just below the surface of everyday interaction, where it waits for the right (or wrong!) moment to break through.

Uses:

1. *When the issue is trivial, or when more important issues are pressing.*
2. *When possible disruptions outweigh the benefits of resolution.*
3. *When other people or future scenarios may be able to resolve the conflict more effectively.*

Accommodation comes into play when one party is prepared to appease the other - to give them what they want - with little or no regard for personal concerns. This is generally done in the spirit of self-sacrifice; the sacrifice being made willingly because any perceived negative outcomes are deemed acceptable and can be lived with. One party may place the other's welfare above his or her own, and suffer genuine change or genuine distress as a result. If you are using this make it clear that you are accommodating, restate your own views and then agree to concede.

Uses:

1. *When issues are more important to others than to yourself; to satisfy others and maintain their co-operation.*
2. *To stockpile social credits (Brownie Points) for future use (ie - in bargaining).*
3. *When other people or future scenarios may be able to resolve the conflict more effectively.*

Collaboration - When both conflicting parties work to satisfy each other's concerns, the style becomes one of Collaboration. Searching for a mutually beneficial outcome. Since the desired solution is advantageous to both parties, this is referred to as a "Win-Win" approach.

Uses:

1. *To find an integrative solution, when both sets of concerns are too important to be compromised.*
2. *To merge insights from people with different perspectives*
3. *To gain commitment by incorporating the concerns of other parties.*

Reaching Collaboration - Principled Negotiation

While the advantages of collaboration is clear, reaching collaborative solutions is not easy. The concept of Principled Negotiation sets out four principles which can be used by either or both parties to try and reach a successful outcome. This approach is very useful when there is likely to be continued relationships or need for further negotiation beyond this project.

1. Separate the people from the problem - Go easy on the people hard on the problem

- Deal with the issues and the people separately. Having a good open relationship allows you to explore the problems more effectively. Remember they are people too and therefore shouldn't be blamed for your problem. A common symptom of not doing this is trying to fix relationships with concessions.
- Recognise emotions on both sides - share how you feel personally and ask the other party how they feel. For example, if people are frustrated it is better that both parties are aware so some thing can be done. If the issue/discussion does become emotional don't react to outbursts.
- Communication - listen actively and acknowledge what is being said. Letting them know you are listening to them is very different from agreeing with them.

- Prevention is better than cure. For those you will be dealing with regularly, foster relationships away from negotiations.

2. Focus on interests not positions - Interests are the reasons behind what we ask for in negotiations.

- Explore your and their interests - even behind opposed positions lie shared and compatible interests as well as opposing ones.
- Identify and share your own interests - often just spending time clearly identifying our own issues helps us resolve an issue. If anything is genuinely non-negotiable let them know and be able to prove it.
- Try to identify their interests:
 - o Ask them why they are asking for something? Ask them where they don't agree with your thinking?
 - o Understand their world - What is important to them?
 - o Think about the personal not just organisational. What have the individuals got to gain and lose in this negotiation?

3. Invent Options for Mutual Gain - It takes creativity to think of collaborative solutions. Designing good solutions under pressure is difficult and adversarial situations tend to narrow vision and imagination.

- Common problems which limit our thinking include assuming there is a single right answer, assuming that the only way to gain is by the other party losing and reaching conclusions too quickly.
- Avoid these by separating the thinking from the evaluating (true brainstorming). Spend dedicated time developing as many options as possible. Widen your thinking by asking what different experts would say and broadening the scope. If you can do this in partnership with the other party it can lead to impressive results.

4. Insist on objective criteria - Move the conversation from positions to discussing what would be fair.

- Hunt for the fair standard that can be used.
- When they present positions ask "What's your theory?"

Mediation

Mediation is a process where a neutral person - a third party - works with people who have an issue or conflict to try and help them reach a solution. They do not take sides or judge who is right or wrong. Most use similar principles to those above, all of which are aimed to reach mutually agreed solutions.

There is rising awareness of using internal or external mediators in the workplace. While it shouldn't be used as a first port of call, it can be very effective to resolve a dispute before the issues become entrenched or further formal action such as legal proceedings. There are a number of commercial and non-commercial organisations that provide mediation service the best known of which is ACAS.

You may also find yourself being asked to act as a mediator (although it may not be given this title) to help resolve disputes between other parties. The decision to do this needs careful consideration on a number of factors including:

- Can I be truly neutral on this topic?
- What are the consequences if this conflict is not resolved or gets worse?
- Do I have the skills and confidence to deal with the emotional reactions?

If you decide to proceed, the Principled Negotiation framework will provide a guide to start dealing with the issues. Key to this is helping the participants deal with issues not positions and attempting to move discussions from being dominated by emotional reactions.

Further Information

Websites

- Scottish Government - Guide to the Use of Mediation in the Planning System in Scotland - www.scotland.gov.uk/Resource/Doc/263432/0078790.pdf
- Joint Guide to Mediation - CIPD - www.cipd.co.uk/subjects/empreltns/general/_mdtnempgde.htm
- Good Practice provides a range of excellent resources. They charge for access but many local authorities have arranged access for managers - www.goodpractice.net
- Harvard Programme on Negotiation - www.pon.harvard.edu/?floater=99 - Interesting information in their strategy and tips section.
- ACAS provides a range of advice and support on all these topics - www.acas.org.uk

Books

- *Persuasion: The Art of Influencing People* by James Borg
- *Getting to Yes: Negotiating an Agreement Without Giving In* by Roger Fisher and William Ury
- *A Manager's guide to Self-Development* by Mike Pedler, John Burgoyne and Tom Boydell - covers a range of topics but some great exercises in these areas.

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