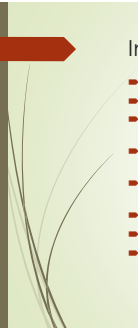




Skill Building Part Two

Interviewing - Negotiation



Initial Interview

- Introduction of self, organisation, type of support you can offer
- Confidentiality practice
- Interviewing: gathering information, what is needed – listen to the story....
- Active Listening Skills: considering your physical positioning, tone, empathy, etc.
- Possible options and exploration for next session – Always see what they may suggest, encouraging their voices.
- Summarising Skills
- Self-Management Skills – Organisation of your time
- Egan Skilled Helper Skills: What might be useful



Negotiation



- Negotiation is an important element of advocacy.
- It is concerned with achieving the best conceivable outcome for the client.
- Especially with unbounded situations or if the client may lose out heavily through actively challenging the opposite side.
- Negotiation must be carried out assertively within the framework of the principles of advocacy.

Considering advocacy?

- First establish whether the issue should be negotiated.
- Is it legally possible?
- What are the relevant statutory bodies legal rules concerning discretion?
- If needed do not be afraid to initiate litigation rather than negotiation.

Difficulty with negotiation

- Pushing back the boundaries and rules to favour the client can cause conflict with negotiation.
- Often issues can be handled more effectively by ensuring the other side complies with rules rather than negotiation.

Success with negotiation

- Most likely when there really is no other option available through other advocacy approaches.
- Complaints and appeals procedures are often free.

Negotiation

- when there is no structure to rely on for resolving a problem.
- If there is no effective sanction available to the client.
- If the client is financially inhibited to pursue the matter.
- If continual litigation has not produced a satisfactory response.
- Where it is important to persuade the other side of the correct approach.

Areas for negotiation

- Sales/purchases
- Debt repayment – often objective
- Health care assessment disputes
- Educational disputes
- Employment issues

Negotiation strategy

- All negotiation should be strategic
- Negotiation should be equal and reasonable
- An established negotiation approach is :
 - A - preparation
 - B - actual negotiation

Negotiation strategy

- Well-prepared clear objectives from the outset
- Measure the results against objective criteria
 - What has the other side conceded?
 - How close to your original outcomes is the result?

Negotiation style - Competitive

- Uses threats, intimidation, superiority, blame
- Makes extreme demands
- Few and small concessions
- Creates false issues

Creates misunderstanding, raises the likelihood of retaliation, increases the number of failed negotiations. However this approach reduces the risk of exploitation by the other side.

Negotiation style – Co-operative

- Establishes common ground
 - Emphasises shared values
 - Makes unilateral concessions
 - Seeks highest joint outcome.
- However there is a strong likelihood of exploitation and manipulation



Negotiation style – Principled/ problem solving

- Negotiates on the merit of the case
- Focusses on interests not positions
- Creates solutions for mutual gain of both sides
- Avoids tricks and posturing
- Insisting that the end result is based on a fair, objective standard
- Does not allow things to become personal – separates the people and the problem

A mature style that enables you to win without the other side 'losing face'



Problems in negotiation

- The other side being too powerful
- The other side refusing to negotiate meaningfully
- The other side behaving unpleasantly, deceptively or unpleasantly



The other side is too powerful

- In reality however it looks the other side is often more vulnerable than it appears.
- There maybe considerable organisational impact in tying up senior staff in negotiations or the potential loss of credibility
- Right to complain my put the client and advocate in a stronger position.

The other side refuses to negotiate

- Attempt to get the other side to see the merits of a solution to the situation
- Ask the other side to explain their reasons for refusal
- A 'without prejudice' meeting can alter the dynamics

The other side behaves unpleasantly, deceptively or inconsistently

- Do not personalise the issue
- Get the problem out in the open
- Ensure agreements are written and watertight to prevent the other side reneging
- Write down verbal threats and do not respond
- You may be able to address the conduct of the other elsewhere later

Reference

Bateman, N. 2000. Advocacy skills for health and social care professionals. London: Jessica Kingsley Publications.
