



Information Note

Key Points on Negotiating

Produced by the Tenants Information Service
with grant funding from the Scottish Executive



SCOTTISH EXECUTIVE

Introduction

As a member of a tenants / residents group you may, at some time, be called upon to represent your group in negotiations with your landlord and / or with other agencies. Alternatively you may have to persuade other members of your group to agree with your point of view.

Whatever your situation we all know that being involved in a negotiation is often not as easy a task as we would first think.

As you consider the details in this Information Note it will hopefully become clear that not only is the role of negotiator important to the effective running of the association but that there are specific responsibilities and tasks that must be carried out in order to ensure you get results from your negotiations. This is especially true of those negotiations you enter into with your landlord.

Planning for a Negotiation

The key principle in any negotiation is all about PLANNING. You may be anxious, concerned or all fired up about the issues you plan to negotiate on, being aware of how you feel before a negotiation can assist you plan and prepare for that negotiation. The following highlights how some people feel about negotiating:

- ◆ **It's something you've never done before** - new experiences can be rather daunting and make us anxious or afraid of making a fool of ourselves
- ◆ **The last time you met the landlord you felt no one listened to your views** – this can make us loathe to have the same thing happen again
- ◆ **In previous negotiating meetings your point was lost because another member of your group kept wandering off the point** – sometimes it's easy to get side tracked into other things
- ◆ **You're getting more familiar with how the other side operates** – this means you can be prepared and get a good outcome
- ◆ **You've done your homework and know that what you want from the negotiations will be the best for everyone** – it may be easier to persuade the other side to agree with you when you can explain the mutual benefits
- ◆ **This is an issue you are very passionate and informed about** - knowing your subject well can assist you put your message across and persuade others to your point of view

Point to Note

Planning, Preparation and Practice are all good skills that will assist in negotiating!

The Roles People Play in Negotiations

Within any negotiating scenario you may be involved in on behalf of your group you will find that there are certain roles people will play. You may also find that negotiations are not always conducted by only one individual – but by a “negotiating team”.

The following identifies the roles that may be played by members of negotiating teams – both your own and your “opponents”:

Leader	Any negotiating team needs a leader. This may be the person with the most expertise, not necessarily the most senior member of the team or an office -bearer just because they have a designated position within your group.
Good Guy	This is the person with whom most members of the opposing team will identify. They may wish the Good Guy was their only opponent.
Bad Guy	The opposite of the Good Guy, this person’s role is to make the opposition feel that agreement would be more easily reached without him or her.
Hard Liner	This member takes a tough line on everything. He or she presents the opposition with complications, and is often deferred to by team members
Sweeper	This person picks up and brings together all the points of view expressed, and then puts them forward as a single, coherent case.

TOP TIP

Keep a note of all of these roles – you may have come across them in previous negotiations or maybe you will be able to look out for them in future negotiations.....

Preparing for a Negotiation

Defining Negotiation – what is it exactly?

“Negotiation occurs when someone else has what you want and you are prepared to bargain for it – and vice versa”

All good negotiations should take on these elements – to ensure you are able to look for these elements in a negotiation you need to be prepared and remember:

- ◆ Negotiations can take place every day between family members, shopkeepers and almost continuously in the work of tenants and residents associations.
- ◆ Successful negotiating is an attempt by two people or groups to achieve a mutually acceptable solution and should not result in a winner and a loser.
- ◆ It is a process that ends either with a satisfying conclusion for both sides (win/ win) or with failure for both sides (lose / lose).
- ◆ The art of negotiation is based on attempting to reconcile what constitutes as good result for the other party. To achieve a situation where both sides win something for themselves, you need to be well prepared, alert and flexible.

In order to successfully prepare for a negotiation it is important to:

1. Write down all your objectives

The first step in planning any form of negotiation is to identify all your objectives – What do you want to get out of the negotiation?

Only when you know that can you begin to put together a game plan that will enable you to achieve these goals.

2. Prioritise the objectives

There is rarely one objective to a negotiation.

Before entering a negotiation, make a list of all your objectives, then put them in order of priority and identify those that you can live without. When it comes to a compromise you will then be aware of which objectives to give up first.

3. Identify issues open to compromise

By classifying priorities you can divide them into three groups:

Those that are your ideal

Those that represent a realistic target

Those that are a minimum to fulfill so that the negotiation is not a failure

Point to Note!

Always remember that when you are the representative of an association all of the above must be agreed by the members of the group, prior to the meeting with the landlord. You are there to represent their views – not just your own

Conducting a Negotiation

Negotiating is as much about listening and observing as it is about talking. You need to be very alert to the mood of the negotiations, since this can change quickly. Being alert involves using all your senses to pick up signals given off by others.

Remember to Keep Your Options Open!

Leave yourself plenty of room for manoeuvre when presenting your case. Do not make brash statements that suggest your position is immovable – make your hypothetical statement to leave scope for both sides to make concessions at any time.

Some Do's & Don'ts to think about

Do listen carefully to the other party	Don't make too many concessions at an early stage
Do leave enough room for maneuver in your proposals	Don't make your opening offer so extreme that you lose face if you have to climb down
Do feel free to reject the first offer received	Don't ever say "never"
Do make conditional offers, such as "If you do this, then we'll do that"	Don't answer questions directly with a simple "yes" or "no"
Do probe the attitudes of the opposition: "What would be your feelings if...?"	Don't make the opposition look foolish

Responding to a Proposal

Try to avoid showing any immediate reaction, favourable or otherwise when responding to a proposal. Do not be afraid to remain silent when assessing the offer, but be aware that your opposition will be studying you to gauge your reaction.

Seek clarification!

When you have heard the other parties offer do not feel that you have to respond immediately with a counter- offer. Remain as inscrutable as possible while summarising it as you have understood it.

This gives you more time to think about what has been said, and also provides an opportunity to confirm that you have understood it correctly.

This is the time to focus on any issues that you feel unsure of, and challenge the other party to correct you. For example, "If I grasp what you are saying, we cannot expect to see any improvements in this until next December" or "Can we clarify that you have taken into account the urgency of this issue amongst tenants in this area?"

It is crucial that you understand the other party's position completely.

Conducting a Negotiation

Stalling for Time

Use stalling tactics only if you do not want to respond to your opponents' offer immediately, and use them sparingly. These are the tactics you can use without seriously jeopardising the outcome of your negotiations:

Interrupt the other party's proposal – but only if you can disguise this as seeking clarification of a point or refocusing the discussion.

Answer a question with a question, or ask lots of questions – after all, it does no harm to have extra information at your disposal.

Break off the negotiations to consult with members of your group or those you represent, especially if you have already established that there is an external authority from whom you need to seek feedback.

Closing a Negotiation

Sometimes bringing a negotiation to a close can prove quite difficult as each party tries to ensure that they have achieved something from the negotiation.

The end of the negotiation meeting could be indicated by:

- ◆ Each party achieving a satisfactory outcome and agreeing next steps
- ◆ Reaching the time set for the meeting and agreeing to meet again to further discuss the issue at a later date
- ◆ Agreement that further information is required and a timescale agreed to do this within
- ◆ One or other party deciding to withdraw from the negotiating table as it is considered that the demands of the other are unreasonable or differences cannot be resolved at this time

At the end of a negotiating meeting it is important that:

- ◆ Each party is clear about what has been agreed and achieved
- ◆ The agreement is noted in minutes or in a letter shortly after the meeting
- ◆ That each party agrees what action is to be taken, by whom and within what timescale
- ◆ That a meeting is agreed to monitor progress and implementation of agreed actions

A Negotiation Checklist

1. REACHING AGREEMENT

You negotiate to get agreement about something. It may or may not be all that you wanted agreement on, but it should be more than you had at the outset.

2. THE COMMON GROUND

You are not out to prove that you are right and they are wrong. Instead try to find the common ground. What is it that both parties already agree about? Can this be built upon? Working from the common ground is the secret of successful negotiating.

3. “WIN – WIN APPROACH”

Can you persuade the other side that what you want is also in their interests? The best negotiators use this approach.

4. COMPROMISE

How much you compromise is your decision. Work out what will give you the most gains. When representing your group or members in negotiations, it is best if the compromise position is agreed before hand.

5. POWER

Your landlord has power – but so do you! Work out the best ways to use this power.

6. CAMPAIGNING

It is important to distinguish between negotiating and campaigning. Use campaigning to increase your negotiating strength. Campaigning is not something you do instead of negotiating. It is something you may have to do as well.

7. WHO DO YOU NEGOTIATE WITH?

You should negotiate with whoever has the authority to make or change the decisions you are trying to influence. Sometimes you'll have to negotiate with someone who can't take the decision, but who is in a position to recommend, and therefore has a lot of influence.

8. THE STAGES IN NEGOTIATING

There are distinct stages you should work through when negotiating. They are: -

- Collecting information
- Preparing your case
- Planning your approach
- Face to face meetings and
- Implementing the decisions

9. PREPARING YOUR CASE

You should have a clear view of the problem or issue at stake and what you want from the negotiations.

A Negotiation Checklist

10. BOTH SIDES OF THE CASE

It is not enough to go into negotiations and put forward your case. You have to understand the other side's case as fully as possible. If you can, try to find something out about this before the negotiations. Sometimes this is not possible and you have to go into meetings not really knowing what their view is.

11. PROBING THEIR CASE

In negotiations, spend time probing and questioning the other side's case. The more you can find weaknesses in their case the more opportunity you create to highlight the merits of your ideas.

12. PERSUASION

Part of negotiating involves you persuading the other side to adopt your perspectives and committing themselves to action based upon it.

13. RESPONDING TO OFFERS

When the other side makes an offer, it is wrong to give an immediate yes or no to it. Get it clarified if you are in any doubt, consider all the alternatives, negotiate to get the best agreement you can

14. GET IT IN WRITING

Any important agreements should be put in writing. Whose version is written down could be important. (Remember not everyone interprets things the same way)

15. IMPLEMENTING THE DECISIONS

It is important that you report back to your group or committee. Assess the results carefully –

What real gains have you made?

What tactics can you employ to make further gains?

Also check that the other side are doing what they have committed themselves to do, and on the timescale promised.

REMEMBER, REMEMBER!

As individuals we enter into negotiation with others on a daily basis. Therefore the basic skills are already in place – work on them and develop them even further.



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