

*"We say that conflict is natural, inevitable, necessary and normal and that the problem is not the existence of conflict but how we handle it"*

*"Our lives are not dependent on whether or not we have conflict. It is what we do with conflict that makes the difference."*

*"How are we going to solve this?' (us against the problem) is much easier to hear than 'What are you going to do differently?' (you are the problem) or worse 'Surely you can see that you need to change?' (I know the solution)"*

## PREPARING FOR A MEDIATION OR FACILITATED NEGOTIATION



## WHY HAVE A FACILITATED NEGOTIATION?

Mediation and facilitated negotiations are basically the same thing.

If our relationship with someone has failed, but we need to talk to them or gain agreement about something, our emotions will naturally make that discussion more difficult than normal.

A facilitator is trained to help you work through the emotions by understanding what happened so you can focus on the future and different ways to build agreement on the issues you have to resolve.

This involves an understanding of conflict and what it does to all of us, a “future focus” because while we can’t change the past, we can and should decide the future, and negotiation techniques to “separate the people from the problem” and look at practical solutions.

The end result will be an agreement based on points you have decided are in your interests or the interests of those you care about. It will take into account the views of the others involved and their interests for the future, so the actions you have agreed are more likely to be completed – self-determination is a powerful motivator.

## WHAT IS THE PURPOSE OF THIS DOCUMENT?

We are assuming at this point that you are unsure whether a facilitated discussion or mediation is the right thing for you.

So what follows will give you, hopefully, some insights into what facilitation or mediation is, what one looks like and some understanding of conflict and how you can control it rather than have it controlling you.

By the end of it you will have enough information to decide whether a facilitated discussion is the right thing for you – and you will be half way to being ready to have it.



### FURTHER QUESTIONS



If you have any further questions please let me know.

Yours sincerely

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# WHY DOES FACILITATION WORK?

## BECAUSE MOST PEOPLE DON'T LIKE CONFLICT

You would probably agree that most people do not want to be in a dispute – it's upsetting, takes up time, distracts from the important elements of everyday lives. Facilitation helps you to confront the past, recognise its value as a pointer to improving the future and then agree in detail how that future will look. If you can reach an agreement that works for both of you, what's not to like?

## THE PRESENCE OF A SKILLED THIRD PERSON

The facilitator's task is to reduce misunderstanding and emotions so you can focus on discussing the issues that are most important to you. By creating a calm forum, you can be heard, increase understanding and give expressions of regret that in turn lead to a more open discussion of how to make the future better for everyone.

The facilitator can then assist you to begin thinking of what your real interests are and how to achieve them in any agreement. In the hands of an experienced facilitator, agreements can be reached even if previous discussions have been a total failure.

## EFFECTIVE DISCUSSIONS HAVE NEVER REALLY OCCURRED IN THE FIRST PLACE

It is difficult to be rational if your perception of the other person is clouded by emotion. In this mood, discussions descend into hard bargaining, unrealistic proposals and other tactics emphasizing differences. You become defensive, entrenched and it is more difficult to find common ground.

Discussions can be heated as long as this provides useful information but when that ceases the facilitator – or You – can call for time out. With skilful direction the focus of the discussion shifts from emotional issues to an identification and constructive resolution of the real problems at hand.

## YOU CAN'T SEE THE WOOD FOR THE TREES

We all understand that feeling of being so close to the details that it becomes difficult to see a problem in its broader context. Being objective and not involved with the minutiae means the facilitator can help you stand back and focus on those issues which are of real importance.

## REALISTIC ASSESSMENTS

Facilitation offers the chance to review and quantify the best result you might achieve if a solution is not agreed. As everyone becomes clear on what they can "realistically" expect to achieve without an agreement, initial positions often shift to accommodate underlying interests.

## FACILITATION ASSISTS YOU IN DEVELOPING CREATIVE SOLUTIONS

The more options, the greater the chances of an agreed solution. In a legal setting, the option is normally an award of money because in a confrontational setting people overlook creative options involving other types of "value" which could address real interests. Facilitators can help identify more creative alternatives, prompting an evaluation of their advantages and opening eyes to the benefits of a new range of solutions.

# WHAT HAPPENS AT THE FACILITATION ?

## FIRST STAGE : CONFIDENTIAL MEETINGS

Facilitation is a very flexible process.

Normally we will speak confidentially on the phone and then meet one-to-one to answer any questions and go over what you would like to achieve. We would agree any agenda points to be shared and the details of the joint meeting.

## SECOND STAGE : JOINT MEETINGS

Then when everyone is ready and prepared, we would agree to meet together in whole or half day sessions. Arrival times will have been agreed and you would be met and shown to your room by the facilitators, who will check for last minute questions, recognise nerves and ensure there is a calming cup of tea or coffee. When everyone is ready you will be brought into the joint meeting room.

### 40% PAST 60% FUTURE

We can't change the past, just learn from it, so it is useful if we can analyse what went wrong in the relationship, what the problems were that annoyed or threatened the other – remember it's the problem, not the people, that cause the conflict. So having learned what didn't work we would then spend most of the time together talking about what language and behaviours might work in different circumstances.

### FACILITATORS COMMENTS

The facilitator will start by reminding everyone of the aims of the discussions and some ground rules.

- ☀ What is said in the room, stays in the room unless we agree that we can share what is said. The facilitator especially will not tell one person what the other said without express permission.
- ☀ Constructive discussions can be heated, but as long as they are aiding understanding and not becoming personal or destructive, the facilitator will let you talk about the stuff you need to.
- ☀ Time out – if you need a break or time to think about something that has been said or want to discuss something with the facilitator then say so whenever you wish.
- ☀ Leave if you think it is going nowhere – tell the facilitator if you think this and they will try to help. But if that doesn't work then you can leave.
- ☀ The meeting or meetings can go on for as long as you think they are being useful.

### THE OPENING

- ☀ Each participant has an uninterrupted 5 minutes to outline what they would like the discussions to achieve and what the key issues are that they want to talk about.
- ☀ You may then pick up on something the other said and the discussion could start from there or you could refer to the topics you both want to discuss and choose one of those.
- ☀ If you get stuck on a point where you disagree, either the facilitator can help you to get through it or you can “park it” and come back to it later.
- ☀ When you start to get agreement on a future form of language or behaviour, the facilitator will ask detailed questions so you think through exactly how the idea will work – certainty and clarity are important if you are to feel you have achieved something.
- ☀ When you have it worked out it may help to have some form of written, maybe bullet point memo so everyone has the same memory of what was agreed and you can both refer to it in the future.

# WHAT IS CONFLICT?

*“Conflict is an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving your goals”*

(William Wilmot and Joyce Hocker (2001) *Interpersonal Conflict*, p.41).

We can all acquire the skills to deal with conflict, by unlocking our ability to solve problems (empowerment) by reaching our own decisions (self-determination) about what behaviour, language and so on would work better next time (future focus).

*In this view, perception is at the heart of conflict, so good communication is crucial to resolving it.*

## WHAT MAKES US RESPOND AS WE DO?

### *It's in Our Genes*

Whether it is an argument between two people, neighbours, a mother and teenage son, two colleagues at work or two organisations in a contract dispute, the reactions of the human beings to the conflict will be largely the same, because a large part of that reaction is hard wired into our bodies.

*The brain perceives a threat from a loud voice, a threatening situation, an angry face or a wagging finger and our senses heighten, our muscles tense and we prepare for fight or flight - all in milliseconds.*

The one part we rarely engage is our cognitive function - we are being prepared to act, not think, at the one time some calm reflection might stand us in good stead.

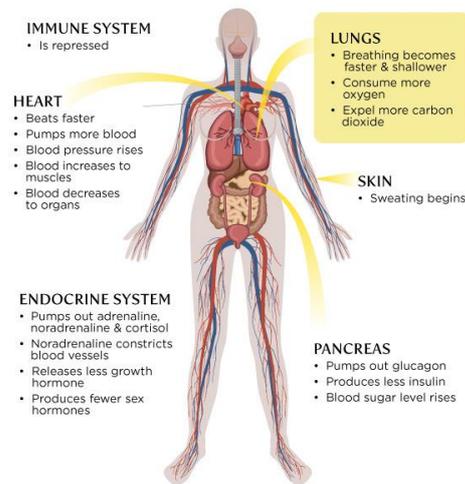
## MANAGING PERCEPTIONS

A perception of threat is primarily internal and individual rather than external and visible to others. But perception is important: think about what makes you feel anxious or afraid and then analyse the level of threat contained: how many of us are afraid of spiders? Of singing in public?

All spiders are creepy so typically we suck them up in the vacuum cleaner (fight) and we avoid karaoke bars (when sober) (flight).



## Fight-or-Flight Response



## MISPERCEPTION & MISUNDERSTANDING

*“And would some Power the small gift give us, To see ourselves as others see us, It would from many a blunder free us.”*

(Robert Burns 1786)

In conflict we rarely listen to information coming from the other person and process it fully.

We are too busy deciding whether to shout back or walk away – so we either get half the information or process it poorly.

This can create a skewed attitude towards them, who we increasingly perceive as the problem, so we are motivated, in our own best interests, to beat them and we act accordingly.



## IS REALITY THE SAME AS THE TRUTH?

One person is sure that what they remember was done or said is “real” and “true”. The problem is bigger because the other person’s perception of what was said or done is their truth and it won’t be the same truth.

Which is why two people in conflict can have very different views of what their conflict is about:

*‘There are multiple unique views of conflict, yet each looks ‘real’ to the one seeing it’*

(Wilmot & Hocker, 2001, p.27)

In any conflict NEVER question the other person’s truth.

Their response will be to dig in and defend their version to the death. Rather accept that it motivates their behaviour and so try to understand where their truth is leading them.

Acknowledge it (you don’t have to agree with it) and look to the future to establish a new joint truth, based on a common understanding of what you both want, rather than arguing about the past, which you can’t change whether you agreed on it or not.

## PERCEPTIONS & ATTRIBUTION THEORY

Even normal interactions may involve faulty communication, but conflict worsens the problem, with people often attributing negative motivations to "the other." Research shows that we make different attributions about ourselves than about others, called ‘fundamental attribution error’.

We tend to attribute other people’s behaviour

- ☀ more to disposition (evil people clearly)
- ☀ less to circumstances (outside their control)



To compound this, we attribute our own behaviour

- ☀ less to disposition (because we’re nice people, obviously)
- ☀ more to circumstances (outside our control)



## IMPLICATIONS FOR RESOLVING CONFLICT

Disentangling skewed attributions can be constructive because attribution is closely linked to emotional response.



If I think you harmed me deliberately, or because you couldn’t care less, I am likely to feel angry. Once emotionally aroused I am more likely to retaliate, in a cycle of conflict and hostility.



However, if I learn that your actions were affected by things beyond your control, my response is likely to change from anger to sympathy.

*The difference is information, not making an assumption when a simple question would do.*

## SUMMARY

As conflict escalates, attributions worsen and

- ☀ *Truths become entrenched*
- ☀ *Perceptions of the “other” as the devil become fixed, while we are angelic.*
- ☀ *Communication dries up with none listening to each other,*



# COMMUNICATION & CONFLICT

A communication can go wrong or cause a misunderstanding if:

- ✨ *The purpose is confused or the information conveyed is unclear or irrelevant.*
- ✨ *If the words chosen or the way they are said causes an emotional response which blocks processing of the information and understanding of the purpose – rendering the communication poor or possibly damaging to a relationship.*
- ✨ *If a response or feedback is not requested, the assumption will be of understanding – so an odd reaction caused by misunderstanding could also damage a relationship.*

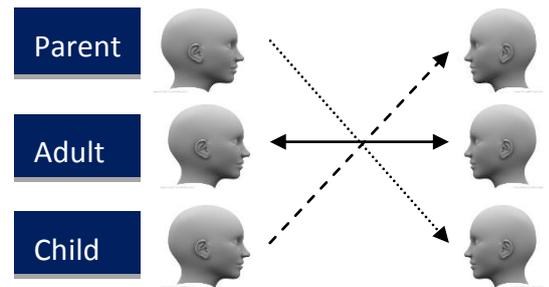
## ATTITUDE - TRANSACTIONAL ANALYSIS

This says that whenever we talk to each other we engage in a “transaction”, with, ideally, both sides get something from the discussion.

The idea is we adopt different communication styles, based on one of or a mix of three “states” we can be in – as a parent or an adult or a child.

Parent and Child states tend to have one way conversations, because this is all about who has the power to get results.

Adult to Adult conversations tend to be two way, because the individuals see themselves as equal in power.



### THE PARENT / CHILD TRANSACTION

In this conversation, one person tends to assume that the conversation is not between equals, so they can adopt a number of assumptions which affect the style of communication they use:

Parent



- P - I am more experienced than you, so what I tell you is right.*
- P - I don't expect or want a discussion about this.*
- P - I want some instant action from you based on what I say.*

Child



- C - You don't care what I think.*
- C - Why should I listen to you.*
- C - I don't like this conversation. I want to be somewhere else.*

The words we use in the parent state are fairly obvious:

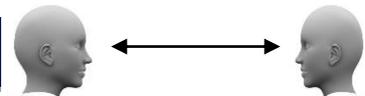
*Parent: "I believe", "you should", "my idea is", "it in my view", "the only way"*

*Child: "I don't see why" "Why should I" "You don't listen to me"*

### THE ADULT / ADULT TRANSACTION

Both individuals assume that it is between equals, so their assumptions will affect their style:

Adult



- I am interested in gaining information from you.*
- I am interested in your thoughts and ideas.*
- I want to reach agreement on actions we should take.*

The language of the adult state is respectful, and information seeking, using Open ended questions: *"How would you approach this", "What ideas do you have" etc.*

## OPEN ENDED VS CLOSED QUESTIONS

Open-ended questions are ones which cannot be answered with a 'yes' or no'.

The primary purpose of an open-ended question is to make people think for themselves and about themselves.

A closed-ended question on the other hand requires only that the respondent thinks deeply enough to be able to answer 'yes' or 'no'.

We are likely to be posing an open-ended question if we use questions which begin with:

*what? how? who? where' when?*



## ACTIVE LISTENING AS TRUST BUILDER

Active listening is a prime way to build trust in other people. It uses Adult to Adult questions to gain information, let people know that you are listening, allow them to tell their story in full and to feel valued.

### ENCOURAGING

"Can you say a bit more about ...?"

"You were saying earlier .

### ACKNOWLEDGING

"That sounds really important to you

### CHECKING/CLARIFYING

"Am I right in thinking you said ...? "Can I just ask what you meant by ...?"

### EMPATHISING

"I think this situation has been very difficult for everyone

"I can see why you might be impatient about

### REFLECTING

"It sounds as if these add up to something serious ?

### SUMMARISING

"So, if I've got this right, there are three things we need to deal with. First .....