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Clearly the main problem is where a family conflict begins to affect the business and how to approach one so as to benefit the other, when they seem inextricably linked.

A recent report on family businesses in the US pinpointed specific traits they used to help reduce unhealthy conflict, including:

- ✦ Frequent communication
- ✦ Setting expectations
- ✦ Building a shared purpose and mission
- ✦ Developing unity through corporate social responsibility
- ✦ Creating mechanisms for resolving conflict

Facilitated Negotiation or using a facilitator was highlighted as one mechanism with a high success rate.

FAMILIES IN BUSINESS

A GUIDE TO PREVENTING INTERGENERATIONAL CONFLICT & BUILDING EFFECTIVE COMMUNICATION

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WHY AM I READING THIS?

Probably because you are in a family business in which the family relationships are beginning to affect the business and someone has suggested that a Facilitated Negotiation or “mediation” might help. In this guide we try to provide some background to the how this might work and why it is a process particularly suited to helping family businesses to thrive.

So what are the problems you may be facing and what could a facilitator do to help?

THE PROBLEM FOR A FAMILY BUSINESS

Family businesses are vulnerable not only to the whole spectrum of organizational conflicts that plague all businesses but also to the inherent disputes that all families have from time to time.

Family businesses have to contend with two overlapping systems: a *rational* system that concerns the workings of the business, both the day-to-day and strategic issues, and an *emotional* system, which involves the family relationships and how family members interact with one another.

Clearly the problem is where the emotional system fails and family conflict begins to affect the business, which is then faced with how to approach one so as to benefit the other, when they seem inextricably linked.



HOW COULD A FACILITATED NEGOTIATION HELP?

At its simplest, Facilitated Negotiation is where a difficult conversation or negotiation is facilitated or “made easier” by an independent, trained, impartial facilitator. People generally have three types of responses to conflict:

Escape, Attack or Conciliation.

🌱 *Escape* responses include denying the existence of the conflict, avoiding it and fleeing from it; but they don't address the conflict and its underlying causes.

🌱 *Attack* responses include power plays such as legal positioning, instituting litigation, physical or verbal threats or intimidation, and violence; they are inappropriate because they can cause irreparable damage to the family and the business.



These are the classic Fight or Flight responses hardwired into our survival systems.

🌱 *Conciliation* responses include discussion, mediation and Facilitated Negotiation. Generally speaking, all the surveys of family businesses suggest the conciliation response is the best approach to resolving conflicts.

Conciliation responses require family members to do:

🌱 *A lot of thinking* – about the conflict, how it developed, what changed in the relationships, what happened to communication, what was felt when someone did something and how they reacted (and so might have felt) when someone else did certain things.

- ☀️ *A lot of listening* – to everyone’s story, seeing it from their perspective, even if they don’t agree with it, so that each will listen to the other.
- ☀️ *A lot of problem solving* - It is vital to remember a facilitated discussion is not about blame. The idea is to identify problems and solve them, not have a “you did” “No I didn’t”, “Yes you did” shouting match. The Facilitator will help everyone to remain positive and focussed on the future, rather than dwelling too much on the past.
- ☀️ *Some future planning* – what do the different members of the family and the business want their individual futures to be like – retired, working - and how would the business contribute to funding this, if at all?

These discussions are nearly always hard work, but if the family want future relationships that will benefit both family and business, then with a little help, they will be more likely to achieve their goals together, than if they leave the negotiations to lawyers or other outsiders.

WHAT WILL THIS MANUAL GIVE ME?

It has some ideas about how concepts such as the Family Meeting, the Professional Advisory Team and the Family Council can contribute to a healthy family business.

It also covers:

- ☀️ how conflict arises, especially in family businesses and how you and others might respond.
- ☀️ some of the language skills that can build the trust and respect necessary to any relationship..
- ☀️ an outline of how a facilitated discussion – or Facilitated Negotiation – might work and some ways of identifying what points must be resolved.

If it leaves you with any questions, please let us know and we will answer them if we can.

And good luck.



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PITFALLS OF A FAMILY BUSINESS

Family businesses are vulnerable not only to the whole spectrum of organizational conflicts that plague all businesses, but also to family disputes.

Conflicts confronting the family, the business or both cover both organisational and relationship issues, including:

- ☼ Are family dynamics interfering with the healthy functioning of the business?
- ☼ How should a patriarch deal with sibling rivalry and competition within the family business?
- ☼ How should poor business performance by family members be handled?
- ☼ How will death or divorce impact the family and the business?
- ☼ What succession planning has been done?
- ☼ What about family and business governance?
- ☼ Do Family members have conflicts at home that hamper productivity?
- ☼ Should non-family and family business members be treated equally?
- ☼ How can a family member be managed by a non-family member?
- ☼ What do the Board Non-Execs think? (What Non-Execs!)

And so on and so on.

In order for a family business to be successful, it must manage any dispute that could cripple it.

The psychological and emotional relationships among family members as well as between the family and other key players in the business are as important to the success of the firm as, for example, financial and market factors.

Disputes centring on control and responsibility can bring about the dissolution of the business, to the loss of all involved, unless a viable approach to resolving these disputes is found.



Simply stated, a healthy family business is dependent on, and interdependent with, a healthy family.

A recent report on family businesses in the US pinpointed specific traits that family businesses use to help reduce unhealthy conflict. Among them:

- ☼ Frequent communication
- ☼ Setting expectations
- ☼ Building a shared purpose and mission
- ☼ Developing unity through corporate social responsibility efforts
- ☼ Creating formal mechanisms for recognizing and resolving conflict

Facilitated Negotiation was highlighted as a mechanism with a high success rate.

FREQUENT FAMILY COMMUNICATION

THE FAMILY MEETING

The primary goal of the family meeting is to provide an informal forum for communication among family members.

Communication is key to the effective functioning of any organization, so it is with family members in and out of the family business.

It can involve the most interested stakeholders and decision makers or it can expand to include all family members interested in working for the business or benefiting passively from the performance of the business and wealth of the family.

It can also, when appropriate, involve non-family members.

Succession planning, estate planning, wealth creation and management strategies, market changes and other issues important to family business are typical topics of the family meeting, along with updates and revisions as to the family's values, mission, priorities and goals. These meetings can help hone and shape values, promote a sense of heritage and ensure a long lasting legacy.

Family meetings:

- 🌟 enhance communication, encourage transparency, promote understanding and trust within the family and the business,
- 🌟 provide a structure within which productive discussions and deliberations may take place,
- 🌟 can develop a sense of mission, vision and purpose,
- 🌟 can establish priorities and family values,
- 🌟 are an excellent forum for establishing governance and cultivating family leadership, build stronger relationships and a stronger family and business as generations come and go.

At the core of family meetings are the interpersonal dynamics, the use of respectful language that influence the trust built through the communication and then decision-making and acceptance of decisions.

Successful business families use the meeting to maintain connectedness, to gain understanding of personalities and perspectives, to address presenting and underlying issues, and to head off damaging conflict.

TIMES OF STRESS

Family meetings are crucial at times of difficult transitions and stress, such as the death of a leader, the sale of the business, management changes and transition of the business between generations.

In these times both family and business are vulnerable and need to bond for support, communication and constructive decision making. Successful meetings at these junctures can be the difference between thriving and not surviving.



PROFESSIONAL ADVISORY TEAM (PAT)



The family businesses' Professional Advisory Team ("PAT") can also help to manage or prevent conflict between family members.

The PAT can consist of any mix of lawyers, accountants, financial planners, business and management consultants, even family therapists and Facilitators.

The Facilitator is often retained to conduct the meeting when the topic is particularly sensitive for one or more of the members.

Even though one of the family members could facilitate the meeting, it is often wise to retain a professional who is actually a "process expert" for such a task. As with other important processes, proper design and implementation of the process is needed for it to be successful.

Facilitators are well suited for any family wishing to create or improve an existing family meeting framework. They are uniquely positioned through training, experience and professional practice to serve as neutrals. They are by training focused on issue identification, problem solving, and practical resolution.

The Facilitator works with the family and the PAT's from other disciplines to discover impediments to productive communications and to design a process that meets the particular needs of that family and the issues to be addressed.

WHAT IS THE FAMILY COUNCIL?

The family meeting is a process. The family council is a governing or advisory structure, akin to an executive or steering committee, or a board of directors.

At the core of the family meeting and the family business is the family council.

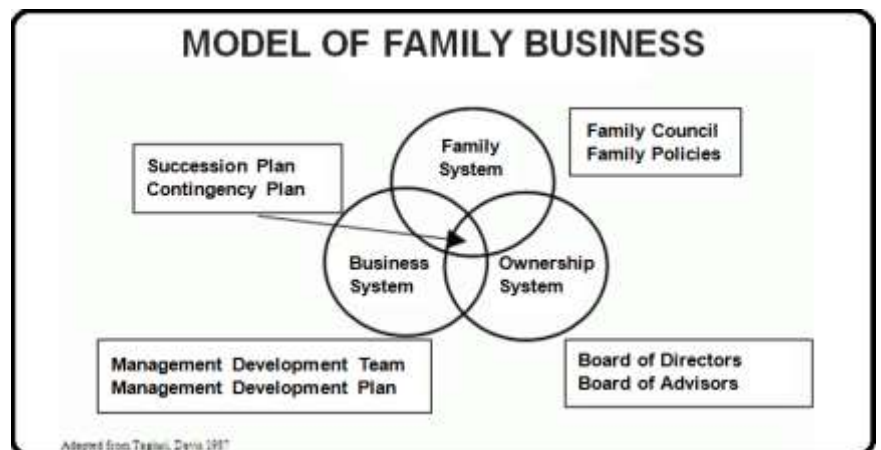
It is distinguished from a corporate board of directors in that the corporate board does not occupy a position between the family and the business.

The family council should be comprised of the most influential and representative cross section of family members. It may also include spouses of blood relatives, or other nonrelatives, but voting rights may or may not be extended to all council members.

The circle should be drawn rather tightly so that the resulting council will be strong and influential, yet open to dialogue and discussion.

The purpose of the family council is to provide leadership for the family and to serve as a powerful liaison between the family and the business.

The council also serves to prevent conflict and reconcile the differing interests of the family members as the family grows and where different generations have different views.



ALL ABOUT CONFLICT

Before we look at how we manage conflict within families and businesses in order to create positive future relationships, it helps to understand how it develops, what contributes to it and what effects it can create.

WHAT CAUSES CONFLICT?

A disagreement becomes a conflict when what is done or said is never discussed or is repeated as acceptable behaviour when to someone it isn't. Without open communication, which decreases quickly, a disagreement develops into a time wasting, emotion draining, expensive conflict.

1. Conflicting Resources

We all need access to certain resources. Safety, somewhere to rest, food, earning an income. When more than one person needs access to a particular resource, conflict can occur.

2. Conflicting Styles

Everyone has different needs and personalities. Some are risk takers and some are not. Some are goal driven, others more "people orientated", some have vision and lead, others prefer to manage.

3. Conflicting Perceptions

We see the world through our own lens so our different perceptions of events and behaviours can cause conflict. Where one person thinks they know why someone did something, but have made an assumption on faulty information, the result can be misunderstandings that develop into conflict.

4. Conflicting Values & Goals

People of different backgrounds and generations often have different values. One culture or generations often finds the values of the other difficult to understand or accept.

5. Conflicting Pressures

We often don't know or ask what's going on in someone else's life, so when we get an odd response, we assume they are bad or weird. We often don't ask what else might be causing that response. Building the trust to be able to have that conversation is essential but sometimes difficult.

6. Conflicting Roles

Second guessing, duplicating effort or taking someone's role all lead to conflict. We feel threatened or belittled or ignored if someone else assumes they should or can do something better than us






HOW DO YOU RESPOND TO CONFLICT?

The survey on the following page suggests your preferred method of dealing with conflict, which doesn't mean you can't change.

There are no right or wrong answers, this is to stimulate thought and discussion. Reflecting on the results is more useful than an absolute score.

Instructions

-  Statements A-J deal with your initial response to disagreement.
-  Statements K-T deal with your response after the disagreement has become stronger.
-  For each statement, circle one number on the line below the statement.

When I first discover that differences with another person exist...

A	I make sure that all views are out in the open and treated with equal consideration, even if there seems to be substantial disagreement.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
B	I devote more attention to ensuring others see the logic and benefits of my position than I do to pleasing them.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
C	I make my needs known, but I tone them down a bit and look for solutions somewhere in the middle.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
D	I pull back from discussion for a time to avoid tension.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
E	I devote more attention to feelings of others than to my personal goals.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
F	I make sure my agenda doesn't get in the way of our relationship.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
G	I actively explain my ideas and just as actively take steps to understand others.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
H	I am more concerned with goals I believe to be important than with how others feel about things.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
I	I decide the differences aren't worth worrying about.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
J	I give up some points in exchange for others.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic

If differences persist and feelings escalate.....

K	I enter more actively into discussion and hold out for ways to meet the needs of others as well as my own.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
L	I put forth greater effort to make sure that the truth as I see it is recognized and less on pleasing others.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
M	I try to be reasonable by not asking for my full preferences, but I make sure I get some of what I want.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
N	I don't push for things to be done my way, and I pull back somewhat from the demands of others.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
O	I set aside my own preferences and become more concerned with keeping the relationship comfortable.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
P	I interact less with others and look for ways to find a safe distance.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
Q	I do what needs to be done and hope we can mend feelings later.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
R	I do what is necessary to smooth the other's feelings.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
S	I pay close attention to the desires of others but remain firm that I need to pay equal attention to my desires.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic
T	I press for moderation and compromise so we can make a decision and move on with things.						
Not at all characteristic	1	2	3	4	5	6	Very characteristic

Tally Sheet

When you have finished the questions, write down the number you circled for each statement beside that statement's letter on the Your Scores sheet below. Then add up the numbers in each column (e.g. A + G in the example) and put the total in the Totals box.

Example

Scores	A 6	K 4
	G 2	S 5
Totals	8	9
	Calm	Storm
Style	Collaborating	

Your Scores

A	K	B	L	C	M	D	N	E	O
---	---	---	---	---	---	---	---	---	---

G	S	H	Q	J	T	I	P	F	R
---	---	---	---	---	---	---	---	---	---

Totals

Calm	Storm	Calm	Storm	Calm	Storm	Calm	Storm	Calm	Storm
<i>Cooperating</i>		<i>Forcing</i>		<i>Compromising</i>		<i>Avoiding</i>		<i>Accommodating</i>	

Style

Finally put your Total Score for each Style name, with the highest Score at the top, for Calm and Storm in the columns below.

Calm

	Total Score	Style
Example	8	Cooperating
	6	Compromising

Example

Storm

	Total Score	Style
	9	Cooperating
	7	Directive

Your Scores

Interpreting the Scores:

This exercise gives you two sets of scores for each of the five approaches to conflict.

Calm scores apply to your response when disagreement first arises. Storm scores apply to your responses if things are not easily resolved and emotions get stronger.

- ☀ The higher your score in a given style the more likely you are to prefer this style in responding to conflict.
- ☀ If the highest number style has a big gap before the next style (e.g. Avoid 10, Collaborate 5) this indicates the strength of this response style above the other possibilities.

🌱 If two styles have the same score you can move between the two. An even score across all of the styles indicates you tend to choose easily among the various responses.

WORKING WITH CONFLICT STYLES

In dealing with others our behaviour varies on two broad axes – whether we focus on goals & results, called the Agenda axis, or whether we focus on the people – called the Relationship axis.

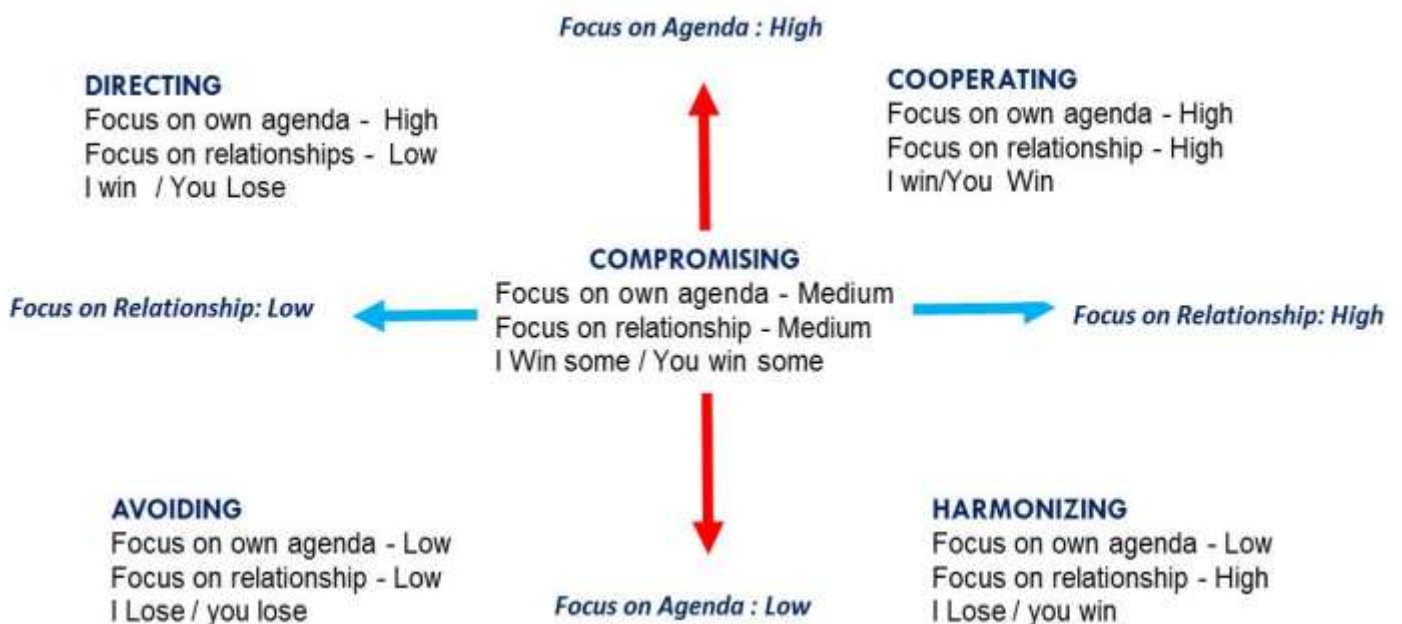
Our behaviour suggests an underlying attitude, Some one scoring high in Directing may have an attitude might be to get the job done no matter what, so

“I win and if you disagree, you lose”.

For Harmonisers, maintaining the relationship is more important than anything, so the attitude is

“I am prepared to lose so that you can win”.

Look at the styles below to understand their strenghts and weaknesses and work out how you might work with a family member exhibiting a preference for a particular style.



Strategies:	Persuade, insist, demand and repeat, compete, control, refuse to negotiate, attack. As leader, discourage challenges, cite policy, set limits and consequences, instruct.
Power Source	From position, role, control of resources, ability to impose consequences.
Benefits:	Speed, decisiveness, gaining or protecting things important to the Director. Useful in emergencies - no time lost negotiating duties when the ship is sinking. Stability under unswerving leadership.
Costs when over-used:	Inequality, resentment, reduction in trust, loss of cooperation. In time, others display lower self-motivation, atrophy of gifts, diminished self-respect, or depression. Reduced emotional and spiritual growth in the Director if others fear to challenge them.

DIRECTING

High focus on own agenda and low on relationship - "We're doing it my way..." - I win and you lose.

COOPERATING

High focus on both agenda and relationship - "My preference is.... tell me yours." I win, you win.

<i>Strategies:</i>	Assert self and invite other views. Welcome differences; reflect jointly on strengths and weaknesses of all views. Cooperate in seeking additional information.
<i>Power Source</i>	From trust, skill, ability, coordination, goodwill, creativity, mutuality.
<i>Benefits:</i>	Trust and mutuality. High potential for creativity and personal growth. Others blossom and develop new gifts. Rewards of satisfaction, energy and joy when used on meaningful issues.
<i>Costs when over-used:</i>	Fatigue and time loss, distraction from more important tasks, analysis paralysis. Used for many trivial issues, people weary of "too much processing". Attempted without attention to the required skills, failure is likely and discouragement follows.

COMPROMISING

Medium focus on own agenda and relationship - "I'll meet you halfway..." I win some/you win some

<i>Strategies:</i>	Urge moderation, bargain, split the difference, find a little something for everyone, meet them halfway, give a little and take a little.
<i>Power Source</i>	From moderation, sense of fairness, practicality, and pragmatism.
<i>Benefits:</i>	Relatively fast, provides a way out of stalemate, enables the show to go on. Emphasis on fairness is readily understood by most people. Builds atmosphere of cooperation.
<i>Costs when over-used:</i>	Mediocrity and blandness, possibility of unprincipled agreements, likelihood of patching symptoms and ignoring causes. Everyone gets a little, but no one is really happy. Too-quick compromises may short-circuit needed in-depth discussion.

AVOIDING

Low focus on own agenda and relationship "Forget it.... Conflict? What conflict?" I lose and you lose.

<i>Strategies:</i>	Withdraw, delay or avoid. Divert attention, suppress emotions, be inaccessible /inscrutable.
<i>Power Source</i>	From calmness, silence, non-cooperation, being unavailable or "above it all."
<i>Benefits:</i>	Freedom from trivial issues or insignificant relationships, stability, preservation of status quo, ability to influence or block others without actively doing anything.
<i>Costs when over-used:</i>	Periodic explosions of anger, long stretches of silence punctuated by terrifying explosions, slow death of relationships, residue of bad feeling. Stagnation, dullness, declining interest and energy. Loss of engagement and accountability.

HARMONIZING

Low focus on own agenda and high focus on relationship - "Sure, I'm flexible..." - You win and I lose.

<i>Strategies:</i>	Agree, support, acknowledge error, give in, convince self “it's no big deal”, placate, smile and say yes, grin and bear it.
<i>Power Source</i>	From relationships, approval of others, from fitting in.
<i>Benefits:</i>	Flexible and easy to work with, wins approval and appreciation of others, creates pleasant atmosphere. Freedom from hassle, at least in the short-term.
<i>Costs when over-used:</i>	Frustration for those who want problems solved. Resentment, depression, poor growth in Harmonizer’s personal gifts. Denies confrontation if the Harmonizer accepts unhealthy patterns or behaviours that ought to be challenged.

CONFLICT : WHAT MAKES US RESPOND AS WE DO?

It's in Our Genes

Whether it is an argument between neighbours, or a father and teenage son, two colleagues at work or two organisations in a contract dispute, the reactions of the individuals to the conflict as they see it will be largely the same, because a majority 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.

Charles Darwin contributed to this theory of conflict with his research on the survival of the fittest. The theory was further advanced by Walter Cannon who coined the phrase “fight or flight” in 1929. Sigmund Freud made further contributions when he established that the fight or flight response was activated not just by physical threats but also by the psychological perception of threat.

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)

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 out loud in public?

Typically we drown spiders in the shower (fight) or suck them up in the vacuum cleaner (flight) and we avoid karaoke bars (when sober).

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 the other person, 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? OR ARE THEY BOTH MISPERCEPTION?

The man's perception is that what he did or said is "real" and "true". The problem is that the woman's perception of what the man did or said is *her* truth and it won't be the same truth as his. Which is why two people in conflict can have very different views of what it is about.

Don't Fight It

In any conflict NEVER question the other person's truth – they will dig in and defend their version to the death. Rather accept it motivates their behaviour and try to understand where their truth is leading them. Acknowledge it (you don't have to agree with it) and look to establish a new joint truth, based on a common understanding of what you both want, so you can both believe in it.



LOSING TRUST - ATTRIBUTION THEORY – “THEY ARE CLEARLY EVIL MINDED”

As relationships breakdown, trusting how the other person will respond begins to go and we start to attribute different motivations to their behaviour.

Usually negative motivations in a process called “fundamental attribution error”.

Research shows that in conflict we make different attributions about ourselves than about others.

We tend to attribute other people's behaviour more to their disposition (evil) less to their circumstances.



To compound this, we attribute our own behaviour less to our disposition (angelic) and more to circumstances beyond our control (“not my fault”)



For example:

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:

“You didn't come to my meeting when others did, that was deliberately disrespectful.”

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

“You had to take your partner to hospital, I now understand your absence and empathise.”

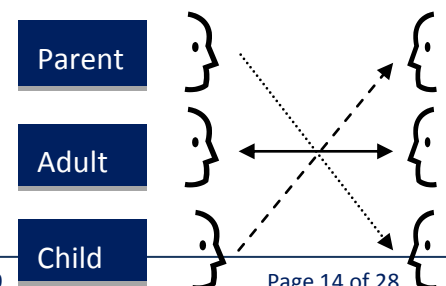
Without effective communication, there is little information to tell us what motivated their behaviour, so we assume it would have been something to hurt or control or deny us something.

NEGATIVE COMMUNICATION & CONFLICT

A communication can go wrong and cause a misunderstanding and possible conflict if:

- ☼ The purpose is confused or the information conveyed is unclear or irrelevant.
- ☼ The receiver's perception of the attitude behind the speaker's words or the way they are said, causes an emotional response which blocks processing of and understanding of its purpose, with the result that the misunderstanding could damage the relationship.
- ☼ If the speaker doesn't check that their communication has been understood, they may get an odd response or not have a task completed “properly” - caused by a misunderstanding they didn't expect and resulting in a lowering of trust. How We Speak- Transactional Analysis

The idea of Transactional Analysis is that in a conversation we can adopt different communication styles, based on one of or a mix of “states” we can appear to be in – as a Parent or an Adult or a child.



Parent state

This is a set of feelings, thinking and behaviour that we have copied from our Parents and significant others. As we grow up we take in ideas, beliefs, feelings and behaviours from our Parents and caretakers. If we live in an extended family then there are more people to learn and take in from.

Adult state

The Adult ego state is about direct responses to the here and now. We deal with things that are going on today in ways that are not unhealthily influenced by our past. It is about being spontaneous and aware with the capacity for intimacy. When in "Adult" we see people as they are, rather than what we project onto them. We ask for information rather than make assumptions.

Child state

A set of behaviours, thoughts and feelings which are replayed from our own childhood.

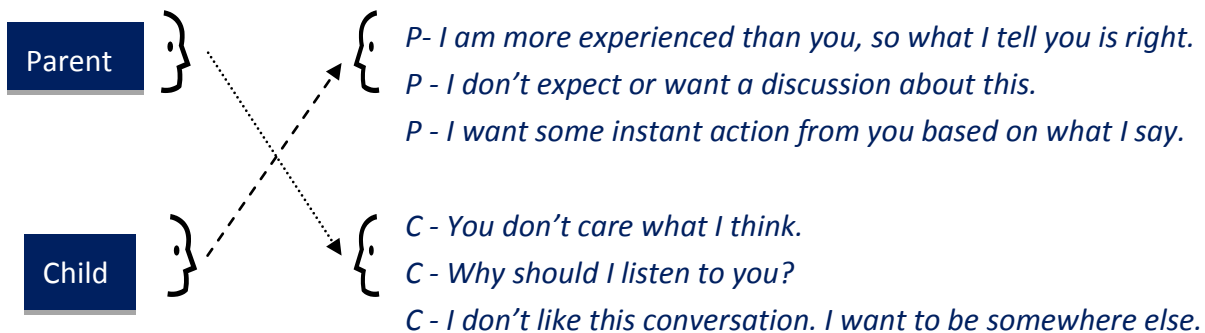
As we explored our world so we were told not to do things and our response to a "telling off" may have been to deflect it by crying or looking sad to generate sympathy.

More frequent telling off might have resulted in an anger response, screaming, throwing our teddies out of the pram, or sulking and hiding.

The Parent / Child Transaction

One person assumes the conversation is not between equals, so they adopt, unconsciously, attitudes which affect the style of their communication:

<u>PARENT</u>	<u>ADULT</u>	<u>CHILD</u>
Advising	Fact Finding	Laughing
Criticising	Questioning	Crying
Ordering	Analysing	Sulking
Telling	Problem Solving	Scared
Moralising	Helping	Playing
Scolding	Cooperating	Enjoying
Fault Finding	Planning	Dancing
Nurturing	Coordinating	Curiosity
Caring	Scheduling	Obedying
Loving	Thinking	Dependent



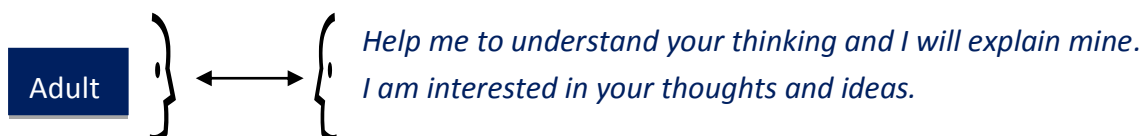
The words we use in the Parent state are fairly obvious:

Parent: "I believe", "you should", "my idea is", "it is 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 the conversation is between equals, so their styles will be respectful, identify problems rather than apportion blame, seek information and ideas towards solutions for a mutually beneficial future. This attitude will be reflected in language such as:



I want to reach a collaborative agreement on actions we should take.

Adult to adult discussions are often structured as information seeking questions:

*“How would you approach this”, “What ideas do you have” “I wonder what you think about this”
“What if we”*

This language attends to be inclusive, bring the others into the discussion because their contributions are valued, rather than the Parental approach which excludes the others because their contributions have no value.

Moving from Parent or Child to Adult

By using Adult language we can often move someone from Parent to Adult or from Child to Adult. The more we speak in Adult, the more they respond.



Summary

- ☀ There are times when the Parent state, or a mix of Parent and Adult, can be appropriate to the situation or discussion. In adopting the Parent state, we carry assumptions about the power balance in the discussion and tend to use different language accordingly. Parent language is “personal”, often dominated by the words “I” and “you” vs “we” and “us”.
- ☀ We should be certain that being in “Parent mode” is going to result in the outcome we want – and that the effect we have on the other person is also the one we want, both in the short and long term.
- ☀ In Adult state, we assume equality of power in the discussion and use respectful language to encourage the other to join in the discussion, to value their contribution in order to result in their support for the outcome.
- ☀ Adult language is objective, about the problem not the people and signals this is likely to be the type of conversation we could have in the future, so building trust.
- ☀ Using Adult language can help others to respond in an Adult state.
- ☀ Positive communication

ACTIVE LISTENING AS TRUST BUILDER

Active listening builds trust faster than almost any other technique.

It is respectful, gathers information, avoids confusion, shows understanding. And it is tiring. It does not mean nodding and saying little, it means focussing on the exact words being used, then questions to encourage the speaker to think deeply about what they are saying, to generate information for themselves and you and to let them know that you are listening; it allows them to tell their story in full and to feel valued.

Encouraging

“Can you say a bit more about?”

“You were saying earlier

Empathising

“I think this situation has been very difficult for everyone

“I can see why you might be impatient about

Acknowledging

“I see

“That sounds really important to you

Reflecting

Building on factual content and offering a reflection:

“It sounds as if these add up to something serious

Checking/clarifying

“Am I right in thinking you said

“Can I just ask what you meant by

Summarising

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

Affirmation

“Thanks for explaining that so clearly

Paraphrasing

Concise, specific feedback using their own words

Normalising, Mutualising, Reframing

These conversational ‘moves’ reduce distance between parties in a negotiation:

Normalising This makes their problem seem less odd, because many people have had it.

“Many people find that when communication breaks down, problems seem to multiply”

Mutualising If both sides have the same problem, acknowledge it as a shared issue.

“So both of you would find things to be better if?”

Re-framing Using calmer words to present a different tone for an angry and destructive communication. They say “he’s a lying bastard”. You respond “So would you say there were trust issues?”

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 they think deeply enough to be able to answer ‘yes’ or ‘no’. The Yes / No answer has the risk that the other person can attach a variety of meanings to the choice of the ‘yes’ or ‘no’. They will be influenced for example, by thoughts about how the you might want them to respond, or about what advice, information, or problem solving ideas are ‘embedded’ in the question.

Either way they are distracted from the more important activity, which is to explore and think ‘out-loud’ about their own unique situation. A further problem is that acquiring little information causes failure to understand fully either their views or the context of their particular problem.

Open Ended Examples

Open-ended questions begin with:
what? how? who? where’ when?

Closed Ended

This can be compared with closed-ended questions which usually begin with:

have you?

did you?

will you?

could you?

were you?

might you?

In problem-solving the questions work best in circular and recurring order. For example:

Who talked to whom about what?

How did they respond?

How did that compare with what I expected

What needs to be agreed now?

And what needs to happen next?

What would be a good outcome to this dispute?

What has to happen to make that possible?

What has happened so far?

When should this be done?

Who should do it?

How will we know when it is completed?

How will we know if it has worked?

What do we do if it doesn’t?

And so on

Why not Why?

Why questions are frequently used in a blaming or accusatory form, or with an ‘embedded’ blame message and as such are invariably ‘past-negative’ in focus:

Why did you say that in front of other people?

Why are you so rude to me?

Why did you keep doing that when you knew how upset I would be?

Another problem is that they can propose answers, solutions or imperatives in the question. Avoid Why? by asking about the objectives of the behaviour in question. As in:

What did you hope would happen when you...?

What sort of events tend to lead to you doing that,

What would you and others need to do differently to make sure that does not happen again?

Summary

- ✿ *The words we use and the way we say them have a huge effect on how people receive and process what we say, even whether they process anything at all, being too busy reacting to a perceived threat.*
- ✿ *Using language techniques, we can establish trust that we really listen to what they say and*
- ✿ *that we will respond as equals in a discussion aimed at understanding what's going on, rather than apportioning blame.*

NEGOTIATING FUTURE BEHAVIOURS

Principled Negotiation¹

Facilitated Negotiation is a well proven technique that identifies what went wrong in the past and negotiates new behaviours to strengthen the relationship for the future. Principled Negotiation, the method we use, seeks the “win-win” result and has become the most common form of national and international negotiation strategy, used by companies, countries, lawyers, trade unions, Facilitators and “mediators”.



Separating People from the Issues

The first principle is to separate the people from the issues.

We become personally involved with the issues and with our positions so we take negative responses to them as personal attacks. Separating the people from the issues allows everyone to address the issues without further damaging the relationship. It also helps us to get a clearer view of the substantive problem.

There are three basic sorts of people problems.

First are *differences in perception*. Since most conflicts are based in differing interpretations of “facts”, it is crucial for everyone to understand each other's viewpoint. Try to put yourself in the other's place. Do not simply assume that their worst fears will motivate their actions. Nor should we blame each other for the problem. Everyone should try to make proposals which would be appealing to the other. The more everyone is involved in the process, the more likely you are to support the outcome.

Emotions are a second source of people problems. Negotiation can be a frustrating process. People often react with fear or anger when they feel that their interests are threatened. The first step in dealing with emotions is to acknowledge them, and to try to understand their source.

Acknowledge the fact that certain emotions are present, even if you don't see those feelings as reasonable.



¹ Principled Negotiation : Harvard Negotiation Project <https://www.pon.harvard.edu/>

Dismissing another's feelings as unreasonable is likely to provoke an even more intense emotional response. Allow the other person to express their emotions, without reacting.

Symbolic gestures such as apologies or an expression of empathy can help to defuse strong emotions.

Communication is the third main source of people problems. Negotiators may not be speaking to each other, but may simply be grandstanding for their respective constituencies. People may not be listening to each other, but may instead be planning their own responses. Even when people are speaking to each other and are listening, misunderstandings may occur. To combat these problems, use active listening. (see Page 12)

The listener should give the speaker their full attention, occasionally summarizing the speaker's points to confirm their understanding. It is important to remember that understanding the other's point does not mean agreeing with it.

Speak to the other person (not the Facilitator) and keep focused on what you are trying to communicate.

Avoid blaming or attacking the other, and speak about yourself, don't bring other people not in the room into the discussion.

Focus on Interests

Good agreements focus on your interests, rather than taking positions. This externalization or objectification of a problem makes it easier to investigate and evaluate the problem's influences. The Harvard Negotiation Project describe ways of identifying interests so options can be developed to meet everyone's interests.

Defining a problem in terms of positions means that at least one person will "lose" the dispute.

When a problem is defined in terms of underlying interests it is often possible to find a solution which satisfies everyone's interests – which may be different ("I will if you will") or the same ("why don't we both").

Identify interests by asking what is important about the positions they hold, then considering what other possible positions might have the same benefits.

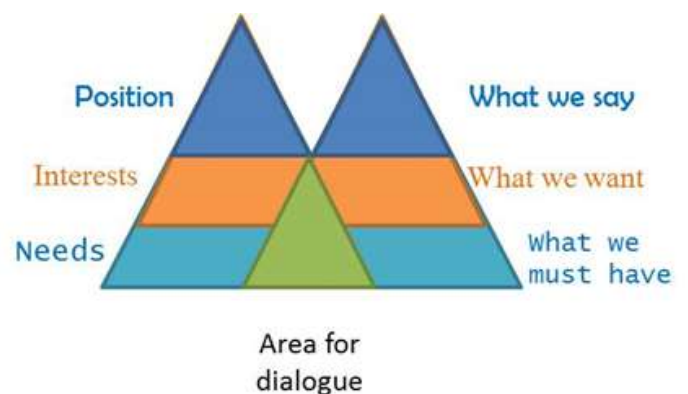
Each person usually has a number of different interests underlying their positions.

However, everyone shares certain basic interests or needs, such as security and economic well-being.

Once everyone has identified their interests, they can discuss them face to face.

If you want the other to take your interests into account, explain yours clearly. They will be more motivated to take those interests into account if you show that you are paying attention to theirs too. Discussions should look forward to the desired solution, rather than focusing on past events.

Keep a clear focus on your interests, remaining open to different proposals and positions. It may help to put yourself in their shoes – ask What would make me want this solution? And what would make me reject this solution? Talk about interests – encourage openness from the other person in discussing their interests. Find ways of describing the interests that are visual and future focussed. Explain the disadvantages of positions – they limit room for manoeuvre, become targets for the other side to attack etc.



Generate Options

There are four obstacles to generating creative options for solving a problem.

1. People may decide prematurely on an option and so fail to consider alternatives.
2. They may be intent on narrowing their options to find the single answer.
3. They may define the problem in win-lose terms, assuming that the only options are for one side to win and the other to lose.
4. Or they may decide that it is up to the other side to come up with a solution to the problem.



Techniques for overcoming these obstacles and generating creative options are:

Separate the invention process from the evaluation stage.

- ✿ Come together in an informal atmosphere and brainstorm for all possible solutions to the problem. Wild and creative proposals are encouraged. Encourage people to shift between four types of thinking: stating the problem, analysing the problem, considering general approaches, and considering specific actions.
- ✿ You can even suggest partial solutions to the problem as a “what if we.....?” question.
- ✿ Only after a variety of proposals have been made should everyone turn to evaluating the ideas. Evaluation should start with the most promising proposals. You can refine and improve proposals at this point. Avoid falling into a win-lose mentality by focusing on shared interests.
- ✿ When your interests differ, seek options in which those differences can be made compatible or even complementary.

The key to reconciling different interests is to *"look for items that are of low cost to you and high benefit to them, and vice versa."*

- ✿ Try to make proposals that are appealing to the others and that they would find easy to agree to.
- ✿ Proposals are easier to agree to when legitimate, or when they are supported by precedent.
- ✿ Threats are usually less effective at motivating agreement than are beneficial offers.

Use Objective Criteria

When interests are directly opposed, use objective criteria to resolve differences, otherwise they could spark a battle of wills and destroy relationships. Decisions based on reasonable standards makes it easier to agree and preserve good relationships.



The first step is to develop objective criteria.

Usually there are a number of different criteria which could be used. Agree which criteria are best for the situation that are legitimate and practical. One way to test for objectivity is to ask if everyone would agree to be bound by those standards.

Rather than agreeing to substantive criteria, you can create a fair procedure for resolving the dispute. For example, children may fairly divide a piece of cake by having one child cut it, and the other choose their piece.

There are three points to keep in mind when using objective criteria.

1. each issue should be approached as a shared search for objective criteria. Ask for the reasoning behind the other person's suggestions. Using their reasoning to support your own position can be a powerful way to negotiate.
2. keep an open mind. Be reasonable and willing to reconsider your position.
3. while being reasonable, never give in to pressure, threats, or bribes.

Writing It Down

Having agreed a series of behaviours, you may wish to write them down as a bullet point “aide memoire” that you can refer to over the following weeks to see how you both think things are improving.

HOW DOES THIS APPLY TO MY FACILITATED NEGOTIATION?

SUMMARY

We have looked at how:

- ✿ Conflict is caused by underlying problems such as values, roles, lack of respect vs simply the other person having two horns and a forked tail.
- ✿ Our response is initially hardwired into our genes and our preferred response style.
- ✿ We can attribute negative motivations where they don't exist.
- ✿ Parental communication styles can contribute to conflict.
- ✿ Adult, respectful communication styles can build trust, as can
- ✿ Active listening techniques and open ended questions.

This should help you to:

- ✿ Identify what happened in a more objective way, to separate the person from the problem, and so control the impact of the conflict. The conflict we experience is deeply personal, but it is not uncommon. Approach each other seeking to agree what type of relationship you want, what the past problems are and how to ensure they never happen again.
- ✿ Use language in a way which builds respect, understanding and so, over the longer term, trust.
- ✿ Negotiating how to behave and speak to each other in ways which will improve your relationship is arguable the most important phase of a Facilitated Negotiation. Understanding what you want to achieve, thinking about what they might want to achieve and seeing how you can achieve both is a common sense approach to reaching an effective change. Self-generated solutions that work in everyone's best interests are more likely to succeed than imposed solutions that favour one side.

WHY DOES FACILITATED NEGOTIATION WORK?

Because most people don't like conflict

Most people do not want to be in a dispute – it takes up time, causes worry, distracts from the important elements of everyday lives. Facilitated Negotiation encourages 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 an impartial facilitator

The Facilitator's task is to reduce mistrust and emotions and focus on the important issues. By creating a calm forum, people have their story heard, increase understanding and enable simple expressions of regret that in turn lead to a more open discussion of how to make the future better for both sides. The Facilitator assists in thinking of underlying interests to be met in any agreement. In the hands of an experienced Facilitator, settlements can be achieved even if prior protracted discussions have been a total failure.

Effective discussions have never really occurred in the first place

It is difficult to be rational if the perception of the other is clouded by emotion. Discussions descend into personalised blaming, hard bargaining, unrealistic proposals and other tactics emphasizing differences. People become defensive, entrenched and it is more difficult to find common ground.







Effective negotiations recognise a first phase about the “people issues” and a second looking at the practical problems. Discussions can be heated as long as this provides useful information but when that ceases the Facilitator – or You– can call for time out.

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 the broader problem. Being objective and not involved with the minutiae means the Facilitator can help everyone stand back and refocus on those issues which are of real importance to both sides.

THE ADVANTAGES OF FACILITATED NEGOTIATION

What are the main advantages?

-  75% - 80% of Facilitated Negotiations succeed because people want to put the past behind them, learn from what happened and move on. Practical outcomes. The negotiation and agreement around future communication style and behaviours that can improve relations give certainty and clarity to the future.
-  Speedy resolution. Facilitated Negotiations rarely take more than one or two full days and this allows those involved to concentrate on their life and careers.
-  Those involved retain control over the outcome so are more likely to make it happen than if a solution is imposed.
-  It is voluntary so people can leave at any time. However, given the alternative, very few do.
-  The process, as well as the outcome, is conducted in complete privacy and confidentiality.
-  It provides everyone with a reality check on the impacts of their past behaviours and an opportunity to learn new behaviours and ways of resolving disagreements in the future. Facilitated Negotiation can produce creative and forward-looking solutions. Those involved are free to look at solutions which are outside the scope of a formal process. Preparing for a Facilitated Negotiation

THE FACILITATOR & THEIR CLIENT

It is critical for all family and business members to recognize that while the Facilitator may have been contacted by one of the family members, they are not the Facilitator's client.

The Facilitator may be compensated by the business, but the Facilitator's client is actually all members participating in the Facilitated Negotiation. The Facilitator's ethical duties and responsibilities extend to all Facilitated Negotiation participants.

Typically, the Facilitator will have a written engagement letter which will be executed by all the members for the purpose

LIKELY KEY ISSUES

Over the years there are central issues which occur in almost all Facilitated Negotiations, because they are fundamental to human relationships. As you think about the issues you want to have resolved, it may help you to think of these examples and how relevant they are to you.

Trust

Whatever the initial cause, it is almost a given that there is little if any trust in the relationship and the view will be that it will never be regained. Many actions cause a lack of trust to develop, so identifying them and agreeing ways of not repeating those actions will create an atmosphere where trust can develop.

Communication

It would be common to find that communication between you has become stilted, closed, unsatisfying, highly formalised or non-existent. As it is central to good relationships, it will be important to identify what made it go wrong, what language was used, what attitude lay behind the language and how you felt and behaved as a result. Knowing that is a start to defining more positive communication methods for the future.

Respect

If there is little trust and poor communication, it is certain there is little respect between you. It is important to be respected and, as we are all different, to let others know what we mean by respect.

Relationship

If you want a future relationship it helps to think of what it might be. Was there a time when it was positive, what behaviours made it so? What would you want to get from it in the future and what might the other person want to have? How could you create that future? What would you do and what could they do?

DEFINING YOUR TOPICS / ISSUES

The evidence is that the clearer you are about what you need to discuss, the less time the negotiation will take, the less stressful it will be and the greater the likelihood you will reach a mutually acceptable outcome.

Issues Agenda / Timeline

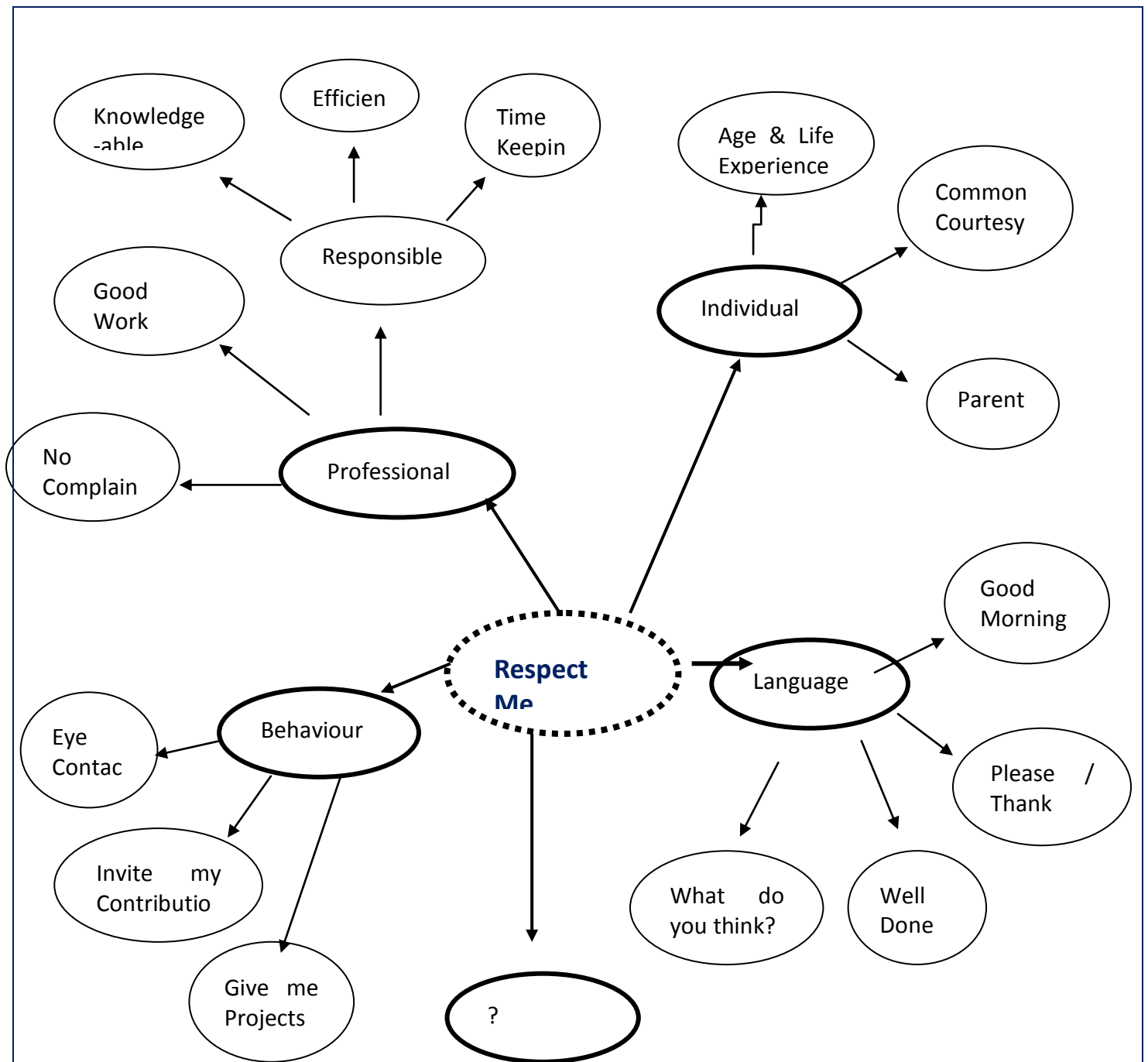
One way is to create a list of examples of the things (language, principles, behaviour) that matter most to you. Try to focus on what they represent to you rather than as an opportunity to start a negative argument. You could set this out as a table as in the following example.

Date	What Happened	Issue Raised

Mind Maps

Getting some degree of objectivity and control over the issues at the centre of your conflict is the starting point for gaining a better understanding and being able to hold a more rational conversation about them. Mind mapping is one way of doing this and can be small or cover a whole wall as one idea leads to another.

The example below assumes the issue is a lack of respect. In Facilitated Negotiations we need to be really clear about meaning, so we might ask, “what does respect mean for you?” A mind map is one way of answering – it means everything shown below and anything else that occurs to you.



WHAT HAPPENS DURING THE FACILITATED NEGOTIATION ?

A Facilitated Negotiation is a very flexible process. What is to be discussed, where the meeting would take place, how long each session would last and how the meeting would start, are all agreed beforehand during the preparation phase.

30% Past 70% 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 threatened or annoyed the other – remember it's the problem, not the people, that cause the conflict.

Then we can decide if a future relationship has any value. And if the answer is yes, having learned what didn't work, we would then spend most of the time together talking about what language and behaviours might work to rebuild the relationship.



Preparation Meetings

These are with each person separately, to answer questions and help with preparation if needed.

Location

The location is ideally neutral, with a room for each of you and a central discussion room.

Main Meeting

You will decide if one or more meetings is needed, as half or whole day slots, depending on what suits diaries, the need to think about proposals or check details with specialists (such as tax law etc).

The Start

The Facilitator starts 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 what the other said without express permission to do so.
- ✿ Constructive discussions can be heated, but as long as they are getting you somewhere and not becoming personal or destructive, the Facilitator will let you talk about the stuff you need to.
- ✿ One at a time – there is always a lot of information exchanged between individuals and the Facilitator, so it helps understanding if everyone sticks to the rule of one person speaking at a time. The facilitator will make sure you have time to respond.
- ✿ Time out – if you need a break or time to think about what has been said or 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 can go on for as long as you think they are being useful.



Then Your Objectives

The Facilitator will then ask each of you to take a few minutes of uninterrupted time to say what you would like to discuss and achieve at the end of the Facilitated Negotiation

The Discussion

After you have both given your objectives and key issues the conversation can start in several ways.

- ✿ You may 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.

SUMMARY POINTS

From time to time the Facilitator may suggest a pause where the progress you have made is reviewed against the points you both wanted to cover. This helps to check those points have been covered (in case someone has had second thoughts) and to remind everyone how positive the discussions have been.

The Facilitator will probably ask what point you would like to cover next and let the discussion run.

Time Out

The Facilitator or you can call for a time out at any point, to take a break, think about something you have just heard or consider a proposal. You have your own room to go to and you can think on your own or ask the Facilitator to assist your deliberations.

The End











When you have worked out the detail of each point, it helps to have a written record, as a legal document or a bullet point memo, so everyone has the same memory of what was agreed and you can both refer to it in the future. This can be signed and witnessed if you both feel it is necessary.

Follow up





Sometimes you may want a follow up meeting a few weeks or months after the Negotiation to check that the elements of the solution are working and to help you re-negotiate any that are not.

WHAT THE FACILITATOR WILL AND WILL NOT DO

A Facilitator will:





-  Check you understand how the process could develop and work to agree a final format.
-  Organise dates, times and locations to suit everyone.
-  Meet with you to answer questions, help you to prepare and identify your key issues.
-  Ensure a list of topics is shared before the main meeting.
-  Manage the main meeting to ensure time is being spent only where it is proving useful.
-  Ask questions about topics to ensure everyone understands what is important about them.
-  Ask questions about proposals to check the implications have been thought through.
-  Help with language to explain a sensitive point without giving offence.
-  Make sure no one becomes so upset they cannot continue.
-  Help with the drafting of any final written agreement.

A Facilitator will not:

-  Use technical language or otherwise try to confuse anyone.
-  Reveal what one person has said to anyone else without the speakers express permission.
-  Give advice on any matter of law, finance or anything that is not to do with the Facilitation.
-  Give up if the going gets tough.

APPENDIX 1 : WORKING WITH EMOTIONS

PEOPLE WHO ARE VERY UPSET:

-  Demonstrate patience and do not hurry them. Offer some time so that they can compose themselves, or suggest a cup of tea or coffee. Check if they want to go on, or whether a break might be appropriate.
-  Build rapport by focusing on a subject that they feel more comfortable with.
-  Explain you understand how difficult it is to talk about this.
-  When you feel that they are more settled, gently reintroduce the matter in hand.

- ☀ Be supportive when people start to open up. Thank them for sharing this story with you and always ask if there is anything more they want to add.
- ☀ Try to explore the reasons why they are so upset.



PEOPLE WHO ARE ANGRY:

- ☀ Try to stay calm.
- ☀ The fact that you seem unruffled will have a calming effect on other people.
- ☀ Note body language and allow adequate personal space. Encourage the person to talk and demonstrate active listening.
- ☀ Acknowledge feelings of anger, but explain that you need to understand what is causing it and encourage them to tell you more about the situation.
- ☀ Ask open questions, avoiding anything that requires a 'yes/no' answer as this sounds accusatory.
- ☀ Demonstrate understanding and empathy using neutral language.
- ☀ Reiterate that you want to help them find a solution.

PEOPLE WHO ARE WITHDRAWN:

- ☀ Suggest a quiet chat with just you, they may be nervous of saying things in front of others.
- ☀ Ask an open ended question such as “What’s top of your mind at the moment” or “Can I ask what you are thinking right now”. Gently move towards the source of their nervousness.
- ☀ Normalise – “Many people find these situations difficult to make their voices heard”.
- ☀ If an individual is the source of the nerves, offer to speak with them. Agree what you might say. Ask what else you could do to help – have them write their points down for circulation, introduce them into the conversation and so on.