

Talking can make a real difference

John Sturrock outlines ten essential steps to using negotiation to find creative solutions to disputes at any level

Differences will always occur - at local or national level - in medical practices, between doctors and patients, in the allocation of limited resources, between departments and so on. How we deal with these differences will determine whether they become prolonged disputes or dangerous conflict or rather serve as the springboard for a creative, forward-looking solution.

What can be done to minimise the damage which disputes or conflict can cause? How can we maximise the possibility of a satisfactory outcome?

In my experience as a mediator and coach, working in the health sector, construction, the workplace and other professional services settings, the following guidelines have proved helpful:

Build working relationships between those involved. Whatever each may think of the other, they need to communicate respectfully if they are to identify the key issues and work towards solutions. This is important yet it can be as simple as helping people to listen to each other and acknowledge another viewpoint.

Keep personal feelings separate from the real issues, wherever possible. Often, we find that emotions are strong and affect people's ability to address the underlying concerns, needs and interests of those involved. It is usually essential to address emotion and anger but detaching this from other matters can help.

Find common ground wherever possible. Those concerned usually have a common interest, at least, in resolving the problem; helping them to recognise this can be a first step. Often, exploration of the matter will reveal that there are many common strands and common causes of difficulties, some of which are out of the control of the parties involved.

Identify a purpose. Many differences continue because those involved have lost sight of the bigger picture: what are we trying to achieve and why? Often, there will be a degree of commonality in the overall objective. This can help to identify and remove irrelevant or peripheral matters.

Encourage people to ask questions. Very often, we assert our positions in a rather dogmatic way. This tends to polarise and entrench views. On the other hand, we can use questions to put across our side of the story and, perhaps more importantly, to seek and acquire more information about the other side which may cause us to change our own views.

There are usually two sides to a story. Building on the last point, in any serious difference, each side will usually genuinely believe that it is correct. This is because we all see things from our own perspective, influenced by our experiences, knowledge, prejudices, perceptions and judgments. Helping people to understand this, and to recognise that the other side has a different viewpoint, may open the way to resolution.

Look for objective criteria or benchmarks to support propositions. We often put forward arguments without adequate support; the process of solution-seeking can be greatly assisted by



producing proper justification for what we say, based, for example, on independent research or findings.

Get the right people to the table as soon as possible. Disputes can fester and grow if left in the hands of those who do not quite have the authority to resolve them or who are too personally involved to bring a necessary detachment to the discussions. Bringing in others can also ensure that the necessary information is available.

Use language carefully. A careless word or phrase can do untold damage; what others hear and what we intend to convey are often two different things. A chasm can quickly build up between people with differences; pausing before speaking and reflecting on how your words might be received by others may make all the difference.

Involve a facilitator or mediator. Speaking from personal experience, if we have a serious difference with others, our personal involvement can make it difficult, if not impossible, to employ dispassionately all of the ideas suggested above. A respected independent third party with good skills can often provide the necessary environment for a constructive discussion.

These guidelines will apply where the difference arises out of a claim by a patient alleging clinical negligence, where an employee of a trust alleges discrimination or harassment, where local GPs are considering how to provide an out-of-hours service, in a situation where consultants in one department or discipline find themselves at odds with colleagues elsewhere or where different agencies are negotiating over the budget. Differences will always exist - it's how we handle them that matters.

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