

## SSM 38 - CONTRACTUAL CLAIMS AND DISPUTE RESOLUTION

The ability to be able to negotiate effectively is a critical competency in both work and life situations. An effective negotiator will draw upon a range of communication and interpersonal skills as well as focusing on issues of the process, planning and objective setting.

Typically, negotiations occur at both the individual and team level internally within peer groups and with employees as well as externally with suppliers and customers. Closely associated with the negotiation process is the possibility of disagreement and dispute conflict; so it is appropriate to consider how best to reduce the risk of disputes and how to resolve them if they do occur.

This course will cover the key stages of negotiation, consider how disputes arise and provide an effective toolbox of skills to enable a structured process. The delegates will be introduced to different negotiation styles and tactics and learn how to recognise and counter them. There will be an opportunity to carry out a self assessment of present skills over the whole range of the negotiation topic and delegates will consider the differences between negotiating individually or as part of a team. The programme culminates in a realistic dispute resolution case study and the delegates are encouraged to reach an agreement before the forces of law intervene in the dispute.

### *WHO SHOULD ATTEND?*

This course will be best suited to those who have a fundamental ability in negotiating but want to increase their formal knowledge and enhance their practical skills. The course is aimed at staff at all levels and is applicable to staff from a wide range of business disciplines including engineering, design, project management, production, finance, sales & marketing, business development, purchasing, procurement, commercial and general management. Those who will benefit most will have a current or planned interface with internal “suppliers or customers” or external suppliers or customers through which contracts are negotiated.

The seminar will **enhance the knowledge and skill** set of the delegates and **improve their confidence level** when faced with the prospect of difficult negotiations such as those encountered during the process of resolving contractual disputes.

## *COURSE CONTENTS*

### **Day 1 - Programme Introduction**

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#### **Fundamentals of Negotiation**

- Negotiation defined
- Disputes and the need for resolution
- Place of negotiation in the contractual resolution process
- Commercial impact of the breakdown of negotiations
- Best Alternative to a Negotiated Agreement (BATNA)
- The four phase process of negotiation
- Preparation
- Discussion and Proposal
- Bargain & Close

### **Day 2 - The Negotiator's Toolbox**

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- Preparation
- Negotiating position setting
- Prioritization
- Entry & exit points
- Information needs
- Team negotiation - roles
- Relationship building
- Information acquisition
- Forms of questions - open, closed, comparative
- The conditional proposal - "If/then..."
- Unconditional proposals – "Thank & Bank"
- Degrees of freedom
- Bargain and close
- Trading up and trading down
- Concessions
- Recording the outcome

### **Day 3 - Negotiating Styles, Tactics and Ploys**

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- Cultural & international issues
- Red, Purple & Blue negotiators
- Non-verbal communication
- Interpretation of Signals – arms, legs and eyes
- What is in a handshake?
- Spatial zones and spatial awareness
- Make time your friend
- Silence as a tactic and how to counter it
- Ploys as “power plays” and how to counter

### **Day 4 - Personal Fitness and Dealing with Difficult Negotiations**

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- Interests, positions and escalation
- Push/pull
- Good guy/bad guy
- Negotiator as a Mediator
- Team negotiations
- Proposals and persuasion
- What's In It for me? (WIIFM) solution
- Personal skills fitness check

### **Day 5 - Putting it All into Practice**

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- Negotiation case study
- Team allocation and simulation exercise
- Analysis of performance
- The Do's and Don'ts of Negotiating
- Improving what we do – action planning.