

A dramatic sky with large, billowing white and grey clouds against a deep blue background. The clouds are illuminated from below, creating a warm, golden glow. The overall mood is intense and powerful.

# Contract Negotiation Workshop

Martin Cleworth

# Bit about me

Chief Superintendent in Cheshire 30 years service.

Head of Force Operations & Public Contact - Lead for Major/Critical Incident Planning.

Firearms and Public Safety/Events Commander.

20 years involved in Crisis Negotiating.

Worked with British Overseas Territories.

Now run MDClew Consulting.

Training on negotiating & influence, decision making, crisis management/business continuity.

Married, 2 kids and enjoy trying to keep fit.



# Objectives

Understand relevance of crisis negotiating skills and how these can be applied to your role.

Examine factors that effect 'influence' and how to use them.

Introduce the 3 P Model for Contract Negotiating and learn how to apply

**Prepare**

**Perform**

**Protect**

Engage, have some fun and enjoy





# Current Context

Central government and local government funding squeeze

Inflationary cost pressures

Workforce supply (vacancies) and competition

Rising costs of agency staff Regulatory pressures and expectations, including CQC

Ever tougher commissioning and procurement activities

Onerous contracts with excessive risks, including unfair terms

Negative impacts on relationships with commissioners

Relationships with commissioners

Contract hand backs



# Opportunities ?

Way of working rather than point in time.

Get Upstream.

Learn ways to grow influence with key stakeholders.

Identify and address your vulnerabilities and your counterparts.

Have a more systematic and structured approach

Develop the skills within your organisation.

Asset-based approaches.

Creative commissioning.

Shift the mindset and narrative.

Co-creation and innovation with disabled people and families, providers and commissioners.





Negotiating is about influence - without authority

Its about developing trust not treating people - 'feel don't heal'


Focuses on 'emotional drivers' for behavior

Improves problem solving through 'active listening'

Pressured high stakes conversations

What's crisis negotiating got to do with my workplace ??





I want to cut  
the costs of  
this contract  
immediately

## Crisis & Contract Negotiating

Deadlines and Demands  
Respond rather than react.  
Needs training, preparation and  
practice.  
Its too late to learn in the moment.



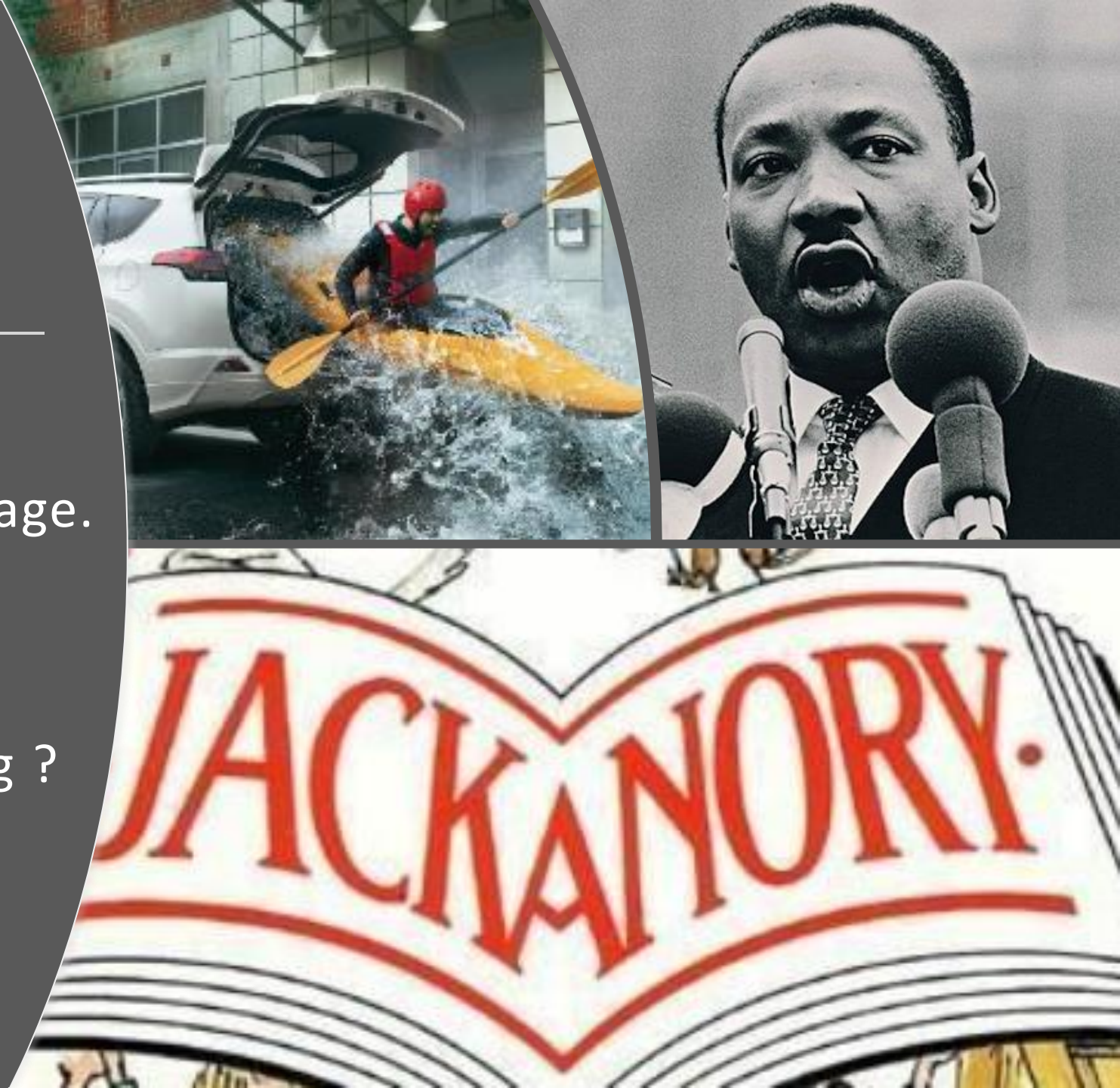
I want 20%  
wage increase



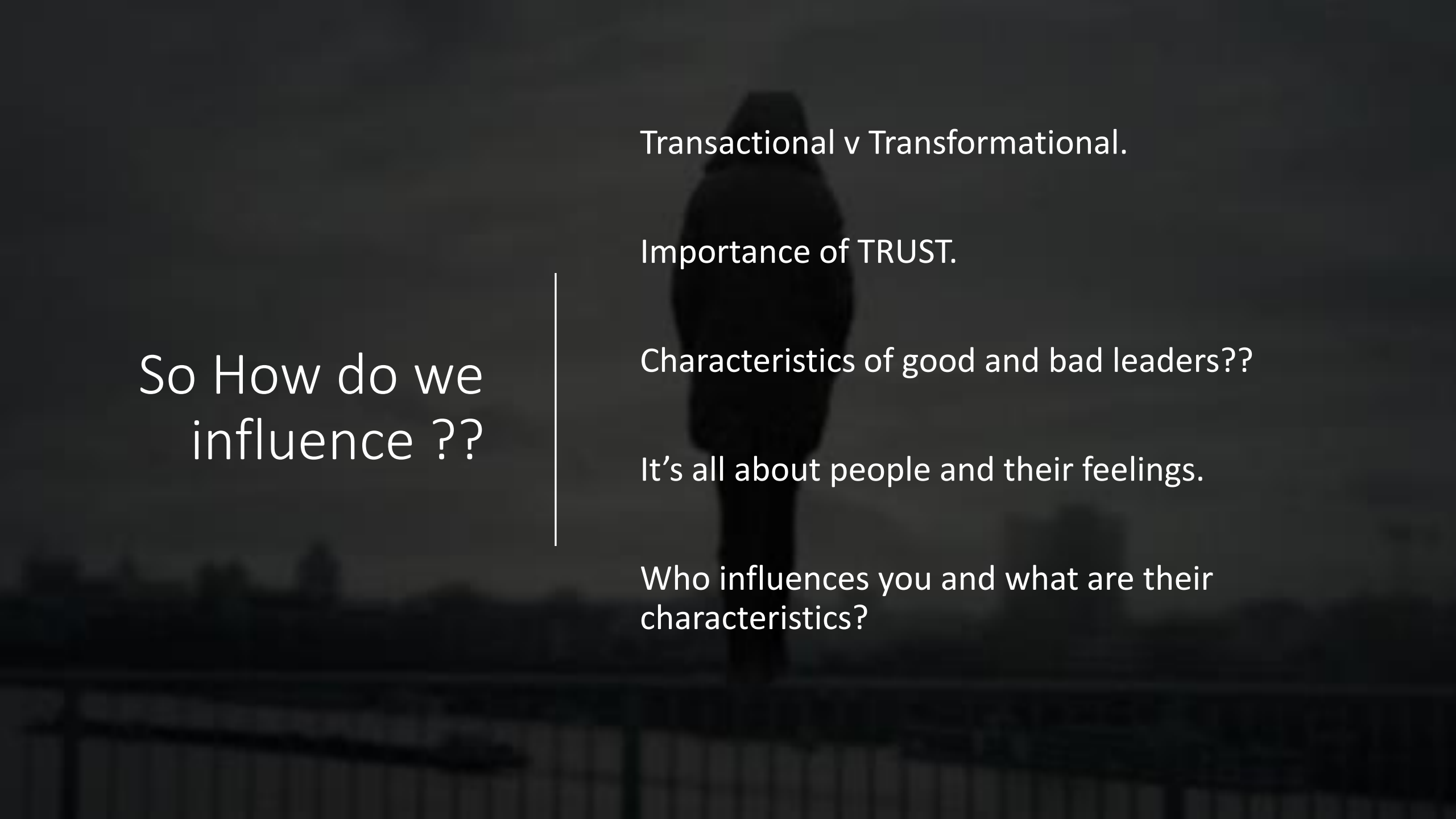
# Importance of emotions/feelings

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Emotions in your big decisions.  
Story telling and emotive language.  
Importance of control.  
Wants Versus Needs.  
Relevant to contract negotiating ?





A person is standing on a bridge railing, looking out over a city skyline at dusk. The person is silhouetted against the dark sky. The city lights are visible in the background.

So How do we  
influence ??

Transactional v Transformational.

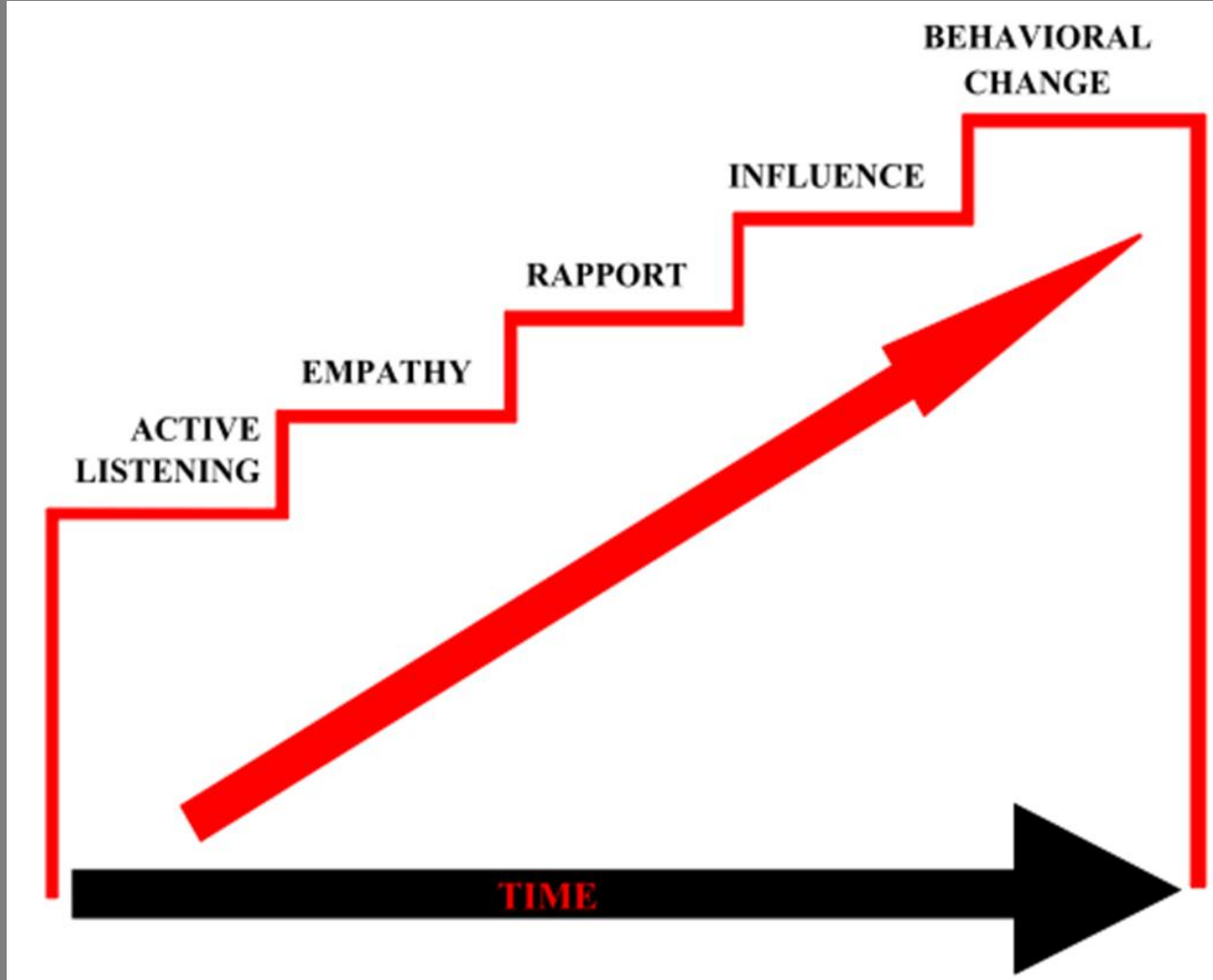
Importance of TRUST.

Characteristics of good and bad leaders??

It's all about people and their feelings.

Who influences you and what are their characteristics?

# Behavioral Stairway





## We Listen on Three Levels

**Level 1: Internal Listening – Just hearing**

**Level 2: Focused Listening – A deliberate act**

**Level 3: True Active Listening – 360 degree listening**





# Blocks to Active Listening

Interrupting  
Rehearsing  
Judging  
Derailing  
Identifying  
Advising  
Being Right  
Sparring

<https://youtu.be/-4EDhdAHRog>



# Skills to support Active Listening

## MORE PIE

- Minimal Encouragers
- Open Ended Questions
- Reflective Mirroring
- Emotional Labeling
- Paraphrasing
- “I” messages
- Effective Pauses



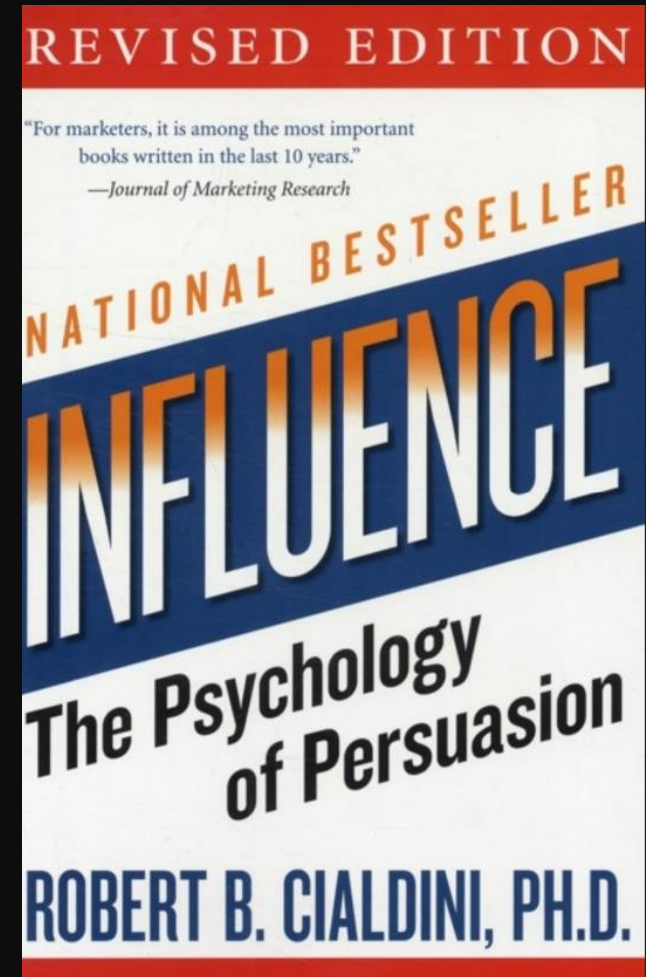
[The Big Bang Theory Active Listening -  
english sub](#)

What triggers certain responses ?

Key factors affecting influence ?

Where are we vulnerable to being influenced?

How are we persuaded to do certain things?





# CIALDINI'S PERSUASION TECHNIQUES



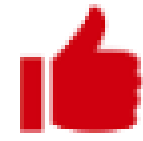
## Authority

People are more likely to get influenced by authority figures.



## Consistency

Once people commit to something, they have a hard time letting go.



## Consensus

If the majority of people agree with something then it must be true.



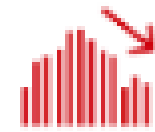
## Liking

People are more likely to appreciate something that they can relate to.



## Reciprocity

Gaining a small benefit or gift, creates the need to reciprocate.



## Scarcity

Limited offers, promotions or discounts tend to increase the need or desire for a product or service.

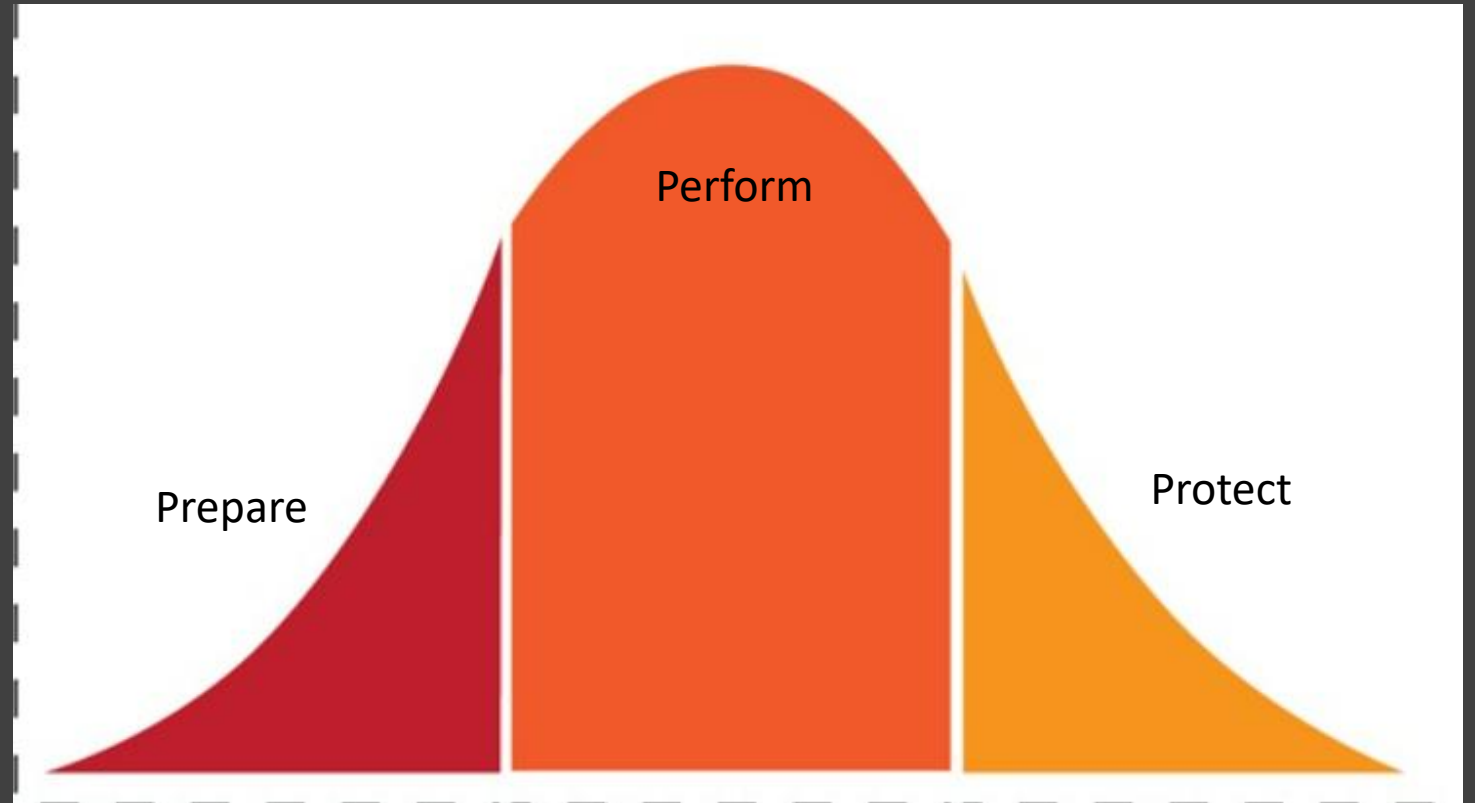
# Contract Negotiating

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3 Distinct Phases

Before  
During  
After

Ongoing process





# Be Prepared.....

*"I don't believe in team motivation.*

*I believe in getting a team prepared so it knows it will have the necessary confidence when it steps on a field and be prepared to play a good game."*

Tom Landry, Dallas Cowboys coach, 1960-1988



# Prepare....

Upstream planning ahead.

Identify and influence key stakeholders

Learn and Practice influencing skills – role play

Do your research - know their weakness and your strengths (USP)

Communications – weakest link

Know your boundaries - your Best Alternative to Negotiated Agreement

What criteria must be met

What alternatives are there



## Boundaries



# Perform

Follow the  
Stairway to gain  
influence

Look for the hooks

Be interest  
orientated rather  
than position  
focused

Develop the sets of  
criteria  
ZOPA

How much do you  
need this? What's  
the real potential  
in longer term?

Understand the full  
scope/implications  
– be aware of  
creep

Have different  
options and test  
them against the  
criteria

Stay calm and  
professional - not  
win/lose

Record Keeping ...







**Position Paper Dated.....**

Background

Current Situation

Assessment - risks/likelihood, consequences. mitigation

Options

Summary

Recommendations - Next Steps

## Record Keeping and Position Papers



## Protect

Not time for celebration – beginning not end.

Review - scope, deliverables, warranties, performance and liabilities.

Performance monitoring.

Strengthen the relationship.

Opportunities for story telling.

Capture learning.

Key timescales - be prepared.





Takeaways from today





# Questions

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