

Managing Difficult Conversations

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Access applicants - the background or subtext

- Recognise that usually there is a background to the request, for example, a workplace grievance, a neighbourhood dispute, a political or media interest
- While the reasons why an access applicant seeks access to documents is not a relevant consideration under the FOI Act, they can be useful in assisting an agency to help narrow the scope or otherwise focus the request.
- Clarity about the sorts of documents the agency holds. Members of the public may not have this knowledge.
- The applicant may not be able to get what they want, for example, answers to questions.

What we will cover...

- Liaising with access applicants and senior managers
- Dealing with potential conflict situations
- Managing emotions – yours and theirs
- Adopting an inquiring mindset
- How to say no

Managers – the background or subtext

- Recognition of the complexity of senior manager roles in government
- Potential departmental or political impact of release
- Potential consequences for individual manager/s or staff
- Lack of understanding of FOI and its purpose
- Time pressure and resource issues

Managing 'up'

- Acknowledge position in hierarchy of most FOI Coordinators
- Gaining the cooperation of other agency staff
- FOI is a statutory compliance requirement, not an 'optional extra'
- Educative function – whole office – OIC, training courses, briefings, policies, information statement
- Early advice to senior managers re access application
- Requests for documents
- Assistance to senior managers
- Negotiating with senior managers

Reactions to potential conflict

The three Fs:

- Fight



- Flight



- Freeze



These are natural human responses. Be aware and understand which of these is your instinctive or natural inclination when faced with conflict.

Our natural inclinations

- Avoidance – most people would prefer to avoid conflict. Recognising that this is often a key issue for the other party, who may have no idea there is an issue or a problem
 - Do nothing and hope the situation improves
- Alternatively...
- Engage constructively with the other party in problem solving mode
 - Adopt a co-operative approach

Reactions to potential conflict

Replace with the three Fs with the Es:

- Engage

- Empathise

- Educate



Defusing potential conflict

- Listen first
- Reflect back – reframe taking the emotional heat out of the issue
- Be very clear what the other person is saying
- Separate the person from the problem
- Acknowledge personal sense of grievance if appropriate
- Talk face to face if possible

Moving into problem solving mode

- Regard the access application or the internal management issue as a problem to be solved rather than a conflict to be won or lost;
- Barriers to this approach might include:

Time available

Capacity

Personal feelings

Persistent frequent communications from access applicant

Managing emotions – yours and theirs

- Dispute dynamics
- Attachment to the dispute or problem or suffering or sense of grievance as it gives a person a sense of purpose and meaning.
- What will they do or be when the dispute ends?
- Your reaction to conflict
- Other parties' reactions to conflict
- Counter productive behaviours such as aggression, threats, withdrawal, walkouts, manipulation.

Inquiring mindset

- Maintain neutrality, and stay calm. Avoid getting caught up in the drama
- Build rapport and seek to understand
- Apply active listening techniques - make and maintain eye contact, consider non verbal communication such as gestures, facial expression, body language
- Use open ended questions, including why, when, where, what, how
- Paraphrase or summarise responses
- Adopt a constructive problem solving approach

How to say 'no' or deliver bad news

No-one likes giving bad news or providing an adverse decision, but there are ways to do it that preserve the receiver's dignity while displaying fairness and equity.

People want to be satisfied that they have been heard and their matter has been dealt with fairly and independently.

Use the 'sandwich' technique – a positive statement, followed by the 'bad news' and end on a positive note, eg next steps that can be taken or options available.

Be truthful and firm; avoid dithering!

Finally...

- No difficult conversation ever got easier by delaying it!
- Don't take it personally
- Prepare well and remain solution focused