

## Answers to practical exercises

### Chapter 19: Negotiation skills

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#### **What facts would you need to know in order to prepare for the access negotiation?**

In addition to researching the law relevant to the negotiation, it is a good idea to spend some time investigating any pertinent factual issues. In practice, you would be able to ask your client for more factual details but this is not possible in a simulated negotiation. However, even in a real negotiation, it is possible that you would need to explore the facts because your client might not know the answers and, in any case, it is often a good idea to check in case your client the details in case your client has a mistaken view.

This is more of a ‘feelings’ negotiation than a ‘facts’ negotiation. In other words, the facts are relatively straightforward and the complexity of the negotiation lies in the strong emotions and conflicting desires of the two parties.

In terms of the facts, Rhys wants to undergo gender reassignment surgery and this has led to the breakdown of his marriage causing him to leave the marital home and lose contact with his children. There would be nothing that could be done in advance of the negotiation to ascertain whether or not this is an accurate version of the facts although you could ask questions in the early stages of the negotiation to see if this is in line with the facts that Angharad has given to her representatives.

There are some issues surrounding the children’s reaction to their father’s decision to live and dress as a woman that are difficult for your client. Tomas (10) does not want to see or speak to his father and Gethin (7) has panic attacks if his father is mentioned. It would be difficult to investigate the accuracy of this information prior to the negotiation but, again, it would be something to explore during the negotiation. You might want to consider asking for medical evidence or some other substantiating information (such as a report from a teacher) at a later stage if there is a dispute between the parties as to the accuracy of the information. One thing that you could explore in advance of the negotiation would be information on how to deal with panic attacks in young children. If there are any particular procedures then this could be something that you could use during the negotiation to demonstrate that Rhys is prepared to deal with any problems that arise whilst the child is in his care.

The final issue here concerns church attendance. In a real situation, you might be able to find information about the church that Angharad attends to determine whether Rhys’ perception about their views on transgender people is accurate but, on the basis of this information in a fictitious scenario, there is little that can be done here. Some fictitious scenarios will use real places as a setting and then you would be able to explore the locality or find out about particular places.