

# [1.1 be considered as soon as the business](https://assignbuster.com/11-be-considered-as-soon-as-the-business/)

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1. 1 Describe an organisation’sprocedures for raising legal, regulatory and ethical concerns Businesses all have proceduresin place that must be followed when any legal, regulatory or ethical concernsare raised. Legal concerns will need to be considered as soon as the businessis aware of them and must be acted upon immediately as legal issues could bedetrimental to the business for example it could mean the business is runningincorrectly.

An example of a legal procedure a company must follow is allbusinesses must be insured. This is extremely important for all businesses asnot only could it affect them legally but if anything happened to theirpremises and the business doesn’t have insurance they could lose businessassets and in turn money. There are many regulations that organisations mustlegally follow, all acts put in place by the government must be followed forexample. A business can be prosecuted if the data protection act is notfollowed as well as being ordered to pay fines or in some cases the businesswill be investigated more thoroughly. Ethical procedures are equally important, and the human rights act takes into consideration different ethical backgroundsand the right for people to have personal opinions and beliefs and protectsagainst discrimination. At Flightcase Warehouse I could raise any concernseasily to any member of staff as we are such a small business in terms ofworkforce. All concerns would be taken seriously and investigated whether it belegal, regulatory or ethical. To raise concerns personally I would go to SamAustin or Steve Austin.

Alternatively, I would speak to Kerri Austin or JasonFurneaux. I am confident that any concern raised would be taken seriously andinvestigated fully.  1. 2 Explain the scope of legal, regulatory and ethical requirements in sales or marketing In any business the sales andmarketing departments will have practices that meet legal, regulatory andethical requirements. The scope of these practices are a set of procedures, processes and actions which are designed to work alongside rules andregulations as well as considering ethical dilemmas.

In business, a procedureis a specific way of doing something, an action is doing something to reach apredetermined goal and a process is a series of actions to achieve a goal. At Flightcase Warehouse we use aCRM system to capture the details of every person who places an order with usas well as using social media platforms and email marketing to reach a wideraudience. This enables us to adjust our marketing to appeal to everyone and notoffend anyone. The handling of people’s private data means that certainprocedures must be followed to comply with The Data Protection Act 1998. Theprocedures would include only asking for data which is necessary, as well asgiving a justified reason for the length of time that we will hold theinformation for and the purpose of us collecting the data is made obvious andapparent. All data that we hold is keptsecurely in our CRM system and is only available to those who need to use it.  Sales and Marketing areimportant as they are the part of any business that is most exposed andspecifically to the public, it is important that these requirements arefollowed as customers may be offended and this is going against companypolicies and acts which could harm the business.

It could also lead to beingsued or taken to court depending on the severity. Legal requirements for exampleare making people aware what goes into the making of the product. Another legalrequirement is to following acts such as the data protection act, the handlingof a customer’s sensitive data for example their payment details and address isvery important and must be dealt with correctly by following procedures. Regulatory requirements are lawsput in place by the government. Businesses must follow these regulations asthey are all legal requirements. Regulations are put in place to ensure that government procedures arefollowed.

This is to ensure all actions that can be taken to make sure all theproducts manufactured and sold by the business meet government requirements andregulations. Ethical requirements are put inplace to help, protect and keep employees from been discriminated against. Lawssuch as the human rights act will protect people of all different ethnicitiesbeing discriminated against. In sales and marketing, the people that you willbe exposed to and must work with will be diverse meaning they will havedifferent religious beliefs or be a different ethnicity. This must berespected, and the human rights act must be followed.

It is of utmostimportance that no one is discriminated against or treated any differently andif this behaviour does occur in the workplace or anywhere it is breaking thelaw.  1. 3 explain how the legal, regulatory and ethical requirements relate to the business of selling ormarketing  All legal, regulatory andethical requirements are applicable to the business of selling and marketing. Most businesses will voice their stance on these requirements and theconsequences of not following them in their terms and conditions policy andcontracts. This information must be kept up to date as to not become outdated. Afew examples of these requirements are:  Working time directive and employment legislation Working time directive sets theamount of time per week employees can work. All employees in the EU that work 5days a week or more have the right to 5.

6 weeks or 28 days of paid holiday. Employees are also entitled to rest breaks and the right to work no more than48 hours per week, however employees can opt out of this act which will then allowthem to work longer hours. Employment legislation is a listof acts that are in place to protect employees. It is what the law expects fromemployers for their employees. The National Minimum Wage Act 1998 and The EqualPay Act 1970 are examples of some of the acts included within employmentlegislation. ·        Copyrights laws Copyright law applies to anyform of content creation or generation it is specifically important in abusiness and in sales and marketing as created work can easily be copied orplagiarised which is illegal as copying work from a website online and notsourcing where the information came from will also be classed as copyrightinfringement.

It is equally important that those who work in sales and marketing areaware of copyright laws and do not breach them. It is extremely common forcopyright to be breached in marketing as content is created all the time. Anyoriginal content, such as photographs or written pieces such as blogs, can’t beused without the creator’s permission under the Copyright Designs and PatentsAct 1988. Copyright also effects how businesses can use purchased software asin the terms and conditions may be conditions that state how created contentcan be used and distributed.  ·        Equality act The most recent equality act wascreated in 2010 and merged other acts that came before. It was created to stop discriminationagainst sex, race, age, disability, gender reassignment, religion and belief, sexual orientation, marriage and civil partnership and pregnancy and maternity. The equality act within sales and marketing helps to prevent offense beingcause due to treatment of customers or other employees through communicationverbally or any marketing or sales materials that may be created.  ·        Data protection act The data protection act regulateshow businesses, people and the government can use data.

For example, any datacollected must be used accurately and not manipulated in any way. Confidentialdata must be kept safe for example at Flightcase Warehouse it is held on a datamanagement system that is on a secure network and the data is only available tothose who need to use it. If the data is a tangible document as in it is onpaper, it must be stored securely for example a lockable filing cabinet in alocked room or office or a safe. Sales and Marketing involves collecting andhandling customer’s information all the time and as such this act is massivelyimportant. Information a customer has provided to a company must never bepassed on without the customer’s prior consent and knowledge. If contactdetails are given and the customer does not want to receive any marketing or” spam” they must not receive anything of the sort. This can be classed asharassment.   ·        Ethical requirements False advertising is unethicaland in most cases illegal.

It is the act of making false claims or publishingmisleading content in terms of sales and marketing. This will always lead to dissatisfiedand angry customers. When targeting vulnerable groups, such as elderly peopleor children, convincing them that they need to sign up to or buy something isunethical. Marketing has the power to do this and it shouldn’t be used in thewrong way.  Businesses shouldn’t appearto have a bias opinion as a lot of people trust big companies and a biasexpressed by them is likely to sway opinions of the consumers.

So, inmarketing, any opinions that are put out must not be biased. Companies must considerwhere they purchase their materials and if it is ethical to source form theseplaces.       1.

4 describe internal andexternal sources of information on legal, regulatory and ethical requirements  There are different internal andexternal ways to source information on legal, regulatory and ethicalrequirements. When starting a new job most businesses will give new staff a introductionpack and company handbook, which provides an overview of the code of practice, policiesand other helpful information about the business meaning it should include informationon the businesses legal, regulatory and ethical requirements. Another internalsource of information is the HR department. The HR department is there toprovide advice and guidance, and in turn should be able to provide informationon information on legal, regulatory and ethical requirements.  Generally, the most accessiblesource of information for anyone would be the internet. Using the internetwould allow anyone to find information on legal, regulatory and ethicalrequirements from many sources including the official government website for upto date, relevant acts and laws. The downside of accessing this information onthe internet is that there is a risk that the information could be outdated orincorrect.  ·        Internal Internal sources of legal, regulatory and ethical requirements are: the HR department and in the companyhandbook as above.

The HR department will hold private and confidentialinformation for each employee including their bank details, all of which will needto be kept in a secure location whether it is in physical form or held securelyon a computer.  The HR department is responsiblefor entering personal details when an employee first starts as well asgenerating and giving the paperwork to collect this data, so they will befamiliar with most legal, regulatory and ethical requirements and should beable to offer information regarding this. The company handbook will include allthe acts that the company must legally follow.

·        External External sources such as thegovernment will provide information in different forms like helplines that canbe called and official websites that can be accessed at any time.  1. 5 explain how an ‘ ethicalapproach’ affects organisations in the sales or marketing environment  Ethical approaches in marketing suchas an awareness of people’s beliefs as to not offend anyone affects thebusiness in more ways than one. Primarily it will make customers happy and encouragerepeat business. Ethical marketing will make a customer more likelyto remember and recommend the business to others and because of this morebusiness will occur. An ethical approach is also a legal requirement so if notfollowed it can lead to legal issues which will affect the business in a badway.

1. 6 explain the importance ofcontract law in sales  A contract is a legally bindingagreement between two or more parties. It is used as proof of an agreement betweentwo or more parties where both sides have consented and understand what isexpected of them and their side of the agreement and what they should expect toreceive from the other party or parties involved. A contract is almost alwayslegally binding, meaning that if it is not upheld or followed, then the personin breach of the contract can be taken to court to settle the dispute.  Contract law is important insales and marketing as it prevents the exploitation of every party involved.

Forexample, when a purchase is made the customer will receive a receipt or invoicewhich is a contract of sale. This is to show that the customer will receive anygoods or services that they have paid for and provides reassurance, as thebusiness should allow a cooling off period which is part of this contract. Thecooling off period is the ability to cancel their contract without incurring apenalty during an agreed period after the sale has been made. In terms of howit will protect the business, sales or marketing it means that any goods orservices must be paid for in full.  2.

1 explain the legal, regulatory and ethical requirements relevant to the role  Within my role at FlightcaseWarehouse most of the legal, regulatory and ethical requirements are relevant.  Flightcase Warehouse has measuresin place to prevent all employees from injuring themselves whilst at work suchas correct PPE and high visibility jackets being required when in the workshopand warehouse as well as fully tested electrical equipment and cable managementin the office to prevent tripping hazards. All of which comply with the Healthand Safety at Work Act 1974.

When producing content that willgo out to customers I must consider if what is produced is ethical and right tobe distributed. I try to be non-bias and truthful in anything that I create asthis is in my opinion morally right and misleading people is unethical and willaffect the businesses reputation. Copyright laws are alsoimportant in my role as I take photographs regularly as well as helping tocreate PR pieces and posting blog posts. The images I take are used on ourwebsite as well as social media and PR pieces are the same, so I must make surethat everything that goes out doesn’t breach the Copyright, Designs and PatentsAct 1988.  Another legal requirement withinmy role is the Data Protection Act 1998. As part of my job includes handlingcustomer data, whether it be taking details or handling existing details I amresponsible for their data. When taking peoples details over the phone I mustmake sure that once the data has been inputted into our system that anything unnecessarymust be destroyed and disposed of correctly and fully.   2.

2 describe the potentialconsequences of not complying with legal, regulatory or ethical requirements  ·        Health and Safety at Work Act  Failing to comply with theHealth and Safety at Work Act 1974 can cause serious repercussions for abusiness and the individual who has failed to comply. Consequences can rangefrom unlimited fines to imprisonment. Health and Safety inspections can occurregularly and if a potential risk is flagged and hasn’t been suitably assessedthen the business will be issued with a form of Improvement Notice, which mustbe acted upon before another inspection occurs and failure to address the issuecan result in a fine further action. If an employee is injured or killed due tohealth and safety issues consequences include prosecution and in extreme casesprison if it was directly someone’s fault.