**EQUALITY IMPACT ASSESSMENT (EQIA):**

**SCREENING FORM**

Introduction to the EQIA screening process

A successful EQIA screening will look at 5 key areas:

1. **Identify the Policy, Project, Service Reform or Budget Option to be assessed**

A clear definition of what is being screened and its aims

1. **Gathering Evidence & Stakeholder Engagement**

Collect datato evidence the type of barriers people face to accessing services (research, consultations, complaintsand/or consult with equality groups)

1. **Assessment & Differential Impacts**

Reaching an informed decision on whether or not there is a differential impact on equality groups, and at what level

1. **Outcomes, Action & Public Reporting**

Develop an action plan to make changes where a negative impact has been assessed. Ensure that both the assessment outcomes and the actions taken to address negative impacts are publically reported

1. **Monitoring, Evaluation & Review**

Stating how you will monitor and evaluate the **Policy, Project, Service Reform or Budget Option** to ensure that you are continuing to achieve the expected outcomes for all groups.

**1. IDENTIFY THE POLICY, PROJECT, SERVICE REFORM OR BUDGET OPTION**:

1. Name of the Policy, Project, Service Reform or Budget Option to be screened

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| Glasgow Guarantee Refresh  |

1. Reason for Change in Policy or Policy Development

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| Analysis of programme suggested that youth unemployment should no longer be the sole priority and the programme should be opened up to all ages. The Glasgow Guarantee Refresh proposes that the programme will be completely all age for those living in a GCC postcode or attending a GCC educational establishment with a focus on those “furthest away from the labour market.” |

1. List main outcome focus and supporting activities of the Policy, Project, Service Reform or Budget Option

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| Main focus of the programme is to support those furthest from the labour market into employment in Glasgow. Candidates of any age can gain access to Glasgow Guarantee through three main entry points: those leaving education, those supported by an employability provider and assessed as being able to access and sustain employment, and those under threat of redundancy and supported by PACE. A list of GCC approved employability providers will be compiled and they will assess candidates and confirm they are “job ready” (Stage 4 of the Strategic Skills Pipeline). GG will continuously analyse data to ensure Employability Providers are correctly certifying that candidates registered with the GG Recruitment Portal are job ready. Businesses will now be able to offer a range of contracted working hours – minimum of 35 hours no longer a stipulation. However, this will be monitored to ensure that businesses do not take advantage of it. Businesses signing up for GG funding will be asked to agree to offering guaranteed interviews for all people with a disability that meet minimum job criteria.The Supportive Growth Fund will operate separately from the Glasgow Guarantee and will support businesses in hiring un/unemployed highly skilled candidates or higher education graduates who can contribute to a business’ growth. The Progression Award is a training allowance of £1k to provide a non-mandatory relevant or recognised qualification to candidates registered on Glasgow Guarantee. This will allow candidates to access training which can encourage job progression and employment sustainability. If a candidate does not log into system for 3 months, logs in but does not apply for any posts for 6 months or applies unsuccessful for 3 posts they will be referred back to an Employability Provider for further support.  |

1. Name of officer completing assessment (signed and date)

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| --- |
| Niamh O’Donnell  |

1. Assessment Verified by (signed and date)

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# GATHERING EVIDENCE & STAKEHOLDER ENGAGEMENT

The best approach to find out if a policy, etc is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those groups. You should list below any data, consultations (previous relevant or future planned), or any relevant research or analysis that supports the Policy, Project, Service Reform or Budget Option being undertaken.

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| Please name any research, data, consultation or studies referred to for this assessment: | Please state if this reference refers to one or more of the protected characteristics:* age
* disability,
* race and/or ethnicity,
* religion or belief (including lack of belief),
* gender,
* gender reassignment,
* sexual orientation
* marriage and civil partnership,
* pregnancy and maternity,
 | Do you intend to set up your own consultation? If so, please list the main issues that you wish to address if the consultation is planned; or if consultation has been completed, please note the outcome(s) of consultation. |
| Discussions with Employability Providers * Discuss common problems that providers find with current Glasgow Guarantee programme.
* Disability – Providers found that online portal and registration process difficult for persons with disabilities
* Candidates with English as a second language had difficulty completing registration process and subsequent applications.
 | Disability; Gender  |  |
| [Glasgow City Council Equality Matrix - Age + Employment](http://connect.glasgow.gov.uk/article/15097/Age---Employment) * Census analysis shows that men are twice as likely as women to be working past age 65.
* Flexible working is especially attractive to older workers, can have a disadvantageous effects because it is generally associated with low pay, poor training and lack of progression opportunities.
* Youth unemployment in Glasgow is lower than pre-recession period.
 | Gender; Age  |  |
| [House of Commons - Older People and Employment 2017-2019](https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/359/359.pdf?platform=hootsuite)* UK workforce is aging – by mid 2030s half of all adults in the UK will be over 50 years of age.
* Not all older people who want to work will have equal access to employment.
* In 2014 it was estimated that up to 1.4 million people aged 50 to 69 had involuntarily left the labour market in the previous eight years.
 | Age  |  |
| [Regional Employment Patterns Scotland 2018](https://www.gov.scot/publications/regional-employment-patterns-scotland-statistics-annual-population-survey-2018/pages/7/)* Employment rate for the minority ethnic population aged 16-64 was 55.4% which is significantly lower than the white population with an employment rate of 75.1%.
* Greater gender gap in employment rates for minority ethnic groups.
* Gender gap in employment rates for all ethnicities – 78.5% employment rate for white men compared with 71.8% for white women.
* The employment rate for those classed as disabled was 45.6% which is significantly lower than the employment rate for non-disabled people (81.1%)
* Youth Employment rate has decreased from 2017.
* Glasgow City has one of the lowest youth employment rates (but this will affected by the number of economically inactive university students in Glasgow)
* The number of people aged 65 years and over in employment has almost doubled in the last ten years.
 | Gender; Disability; Ethnicity; Age; Sexual Orientation  |  |
| [Employability and BME Communities in Glasgow](http://www.employabilityinscotland.com/media/131739/Employability%20and%20BME%20communities%20in%20Glasgow.pdf)  * Although BME communities are more likely to graduate from Higher Education they do less well in the labour market than White graduates.
* ‘Ethnic penalties’ in the labour market exist for all Ethnic Minorities although they vary among the different BME groups and gender, with the Pakistani, Bangladeshi and Black African groups facing the largest penalties.
* Participation and achievement in apprenticeships by learners from BME groups is lower than the national percentage of White learners.
 | Ethnicity; Age  |  |
| [Statistics from the Annual Population Survey: Results for the Year to 31 March 2019](https://www2.gov.scot/Resource/0054/00547590.pdf) * Glasgow City has one of Scotland’s lowest employment rates for youth employment and women.
 | Age; Gender  |  |
| [Modern Apprenticeships Statistics 2018-19](https://www.skillsdevelopmentscotland.co.uk/media/45688/modern-apprenticeship-statistics-quarter-4-2018-19.pdf) * There has been an increase in the proportion of MAs in the 25+ age group which may reflect demand from employers who have chosen apprenticeships as a means to upskill their existing workforce.
* The proportion of MA starts who live in the 10% most deprived areas (decile 1) continues to be higher than those who reside in the 10% least deprived areas (decile 10).
 | Age; Gender  |  |
| [Understanding Glasgow - Lone Parents](https://www.understandingglasgow.com/profiles/evidence_for_action_briefings/lone_parents)  * In Scotland nearly three in 10 families with children are lone parent families. Glasgow city has the highest rate of all 32 Scottish local authorities with four in 10 lone parent families and wide neighbourhood differences across the city.
* Lone parents are predominately women.
* Thirty-three per cent of unemployed lone parents have a disability or longstanding illness, and 34 per cent have a child with a disability.
* Most lone parents are in paid employment but are less likely to be in work compared with married or co-habiting parents. Among those in paid work, lone parents are much more likely to work part-time.
* Lone parent figures are expected to rise in Scotland over the next 25 years.
 | Age; Gender;  |  |
| [Motherhood Penalty - Women and Public Policy Program](file:///C%3A%5CUsers%5Ccunninghamt%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.IE5%5CIQ1Q5G7E%5CMotherhood%20Pay%20Penalty-%20TUC%20https%3A%5Cwww.tuc.org.uk%5Csites%5Cdefault%5Cfiles%5CMotherhoodPayPenalty.pdf) * Mothers were considered to be 12.1 percentage points less committed to their jobs than non-mothers while fathers were perceived as being 5 percentage points more committed than non-fathers.
* Mothers were 6 times less likely than childless women and 3.35 times less likely than childless men to be recommended for hire.
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# ASSESSMENT & DIFFERENTIAL IMPACTS

Use the table below to provide some **narrative** where you think the **Policy, Project, Service Reform or Budget Option** has either a positive impact (contributes to promoting equality or improving relations within an equality group) or a negative impact (could disadvantage them) and note the reason for the change in policy or the reason for policy development, based on the evidence you have collated.

| **Protected Characteristic** | **Specific Characteristics** | **Positive Impact** **(it could benefit an equality group)** | **Negative Impact –** **(it could disadvantage an equality group)** | **Socio Economic /** **Human Rights Impacts** |
| --- | --- | --- | --- | --- |
| **SEX/ GENDER** | Women | **Yes** Programme will continue to promote to all employment sectors including those where women are underrepresented (e.g. Construction). Opening up age eligibility may allow service to target women who face the ‘motherhood penalty’ – slightly older women who face significant barriers in returning to work after having children. Increased flexibility in contracted working hours may facilitate the move into the labour market for lone parents (predominately women).  |  | There remains a gender gap in employment rates with women being less likely to be employed compared to men. (72.2% - 62.9%) Lone parents are predominately women. Glasgow has one of the lowest lone parent employment rates (50%) among Scottish local authorities.  Individuals with caring responsibilities are predominately women. 1 in 5 carers are forced to give up employment all together due to caring responsibilities and the caring benefit is the lowest of its kind.  |
|  | Men | **Yes**Changes to age eligibility will allow a greater number of unemployed males to access the employment and training opportunities. Promotion of all sectors regardless of sex or gender.  |  |  |
|  | Transgender | **Yes**Promotion of all sectors regardless of sex or gender.  |  |  |
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| **RACE\*** | White | **Yes** |  |  |
| *Further information on the breakdown below each of these headings, as per census, is available* [*here.*](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwij_q-kganSAhXEDsAKHZoeBgcQFggcMAA&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fprimary-set-of-harmonised-concepts-and-questions%2Fethnic-group.pdf&usg=AFQjCNFH-QwgZzHMg_lyyP4rhOqS2uZWjw)*For example Asian includes Chinese, Pakistani and Indian etc.* | Mixed or Multiple Ethnic Groups | **Yes**Candidates from BME backgrounds will be able to access a pilot recruitment funding scheme. The EII is a £500 incentive paid to Training Providers who recruit someone onto the MA programme from a BME background that has at least 1 intersectional barrier to entering an MA.  Employability providers will be able to complete the registration process for candidates which can help candidates who may find the process difficult due to language barriers.  | No concessions for those in part time work or zero hours contracts (type of employment where minority ethnic groups are overrepresented) may exclude those with significant barriers to employment from accessing training and employment through GG Refresh however programme is designed for those *furthest* from the labour market and those in any sort of employment will have opportunities to develop employability skills that **fully** unemployed persons do not have.  | Minority ethnic groups’ employment rate is consistently lower than the British White employment rate.  |
| Asian | **Yes****As Above** |  |  |
| African | **Yes****As Above** |  |  |
| Caribbean or Black  | **Yes****As Above** |  |  |
| Other Ethnic Group | **Yes****As Above**  |   |  |
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| **DISABILITY** | Physical disability | **Yes**Following consultation with Employability Providers issues with successfully getting candidates with disabilities to interview were raised. Therefore, businesses accessing GG Funding will agree to offer guaranteed interviews for disabled candidates that meet the minimum job criteria. Disabled MA and graduate applicants are automatically invited for interview by the Council and Council Family.Automatic eligibility through employability providers allows easier access to service and support through registration process etc. Changes to minimum contract hours increase flexibility in terms of working hours. Reduced working hours and increased flexibility can help support persons with disabilities into employment and sustainable employment. After consultation with Employability Providers and recognising difficulties those with disabilities may have in registering for the service, Employability Providers will now be able to complete the registration process for candidates which can help those who find the process difficult due disabilities.  |   | Employment rate gap between disabled and non-disabled persons remains significant however disability employment rates have been increasing. Glasgow City Disability Employment rates are 5% lower than the national average. Male disability employment rate remains higher than females.  |
| *A definition of disability under the Equality Act 2010 is available* [*here.*](https://www.gov.uk/definition-of-disability-under-equality-act-2010) | Sensory Impairment(sight, hearing, ) | **Yes**As Above  |  | Those with difficulty hearing had a significantly higher employment rate compared to those with difficulty seeing.  |
| Mental Health  | **Yes**As Above |  | Mental health disability had one of the lowest employment rates of all the disabilities.  |
| Learning Disability | **Yes**As Above  |  | Severe and specific learning difficulties resulted in the lowest employment rate.  |
| **LGBT** | Lesbians | **Yes**No specific process to encourage LGBT people to access programme. Candidates will be eligible regardless of sexual orientation.  |  | 1/3 of the LGBT+ community conceal their sexuality at work out of fear of discrimination. 1/5 LGBT+ people experienced discrimination whilst trying to secure employment 1/3 of LGBT+ looking for work are worried about being discriminated or harassed when applying for jobs.  |
|  | Gay Men | **Yes****As Above** |  | As Above |
|  | Bisexual | **Yes****As Above**  |  | As Above  |
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| **AGE** | Older People (60 +) | **Yes**Wage subsidy will be now open to all ages. Particularly beneficial for the 31-49 age group who were previously excluded from programme. MA Programme to be made open to 29+ which can help engage an older demographic in training and employment. The service will now work closely with the Adult Employment Team which will encourage good practice in targeting the expanding age group of unemployed individuals.  |  | Age bias and discrimination is a common barrier to employment for older persons looking for work.  |
|  | Younger People (16-25) | **Yes**After consultation this age group will no longer be the sole focus of the GG but the programme will continue to support this age group – no change to their access/eligibility. MA Programme will continue to be promoted to this age range and group receives enhanced funding. Through consultation with Employability providers a change to minimum contract hours will be implemented. This will increase flexibility in terms of working hours. Reduced working hours and increased flexibility can help support young persons into employment and sustainable employment.This age range captures the majority of university graduates. Whilst this group will be excluded from the GG programme they will be supported by the Supportive Growth Fund which is targeted at un/underemployed graduates.  |   |  |
|  | Children (0-16) | **Yes**Continued promotion in schools will allow awareness of programme to secondary school pupils 12+ |  |  |
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| **MARRIAGE** **& CIVIL PARTNERSHIP** | Women | Unknown impact as no information collected. Candidates will be eligible for programme regardless of marital status.  |  |  |
|  | Men | **As Above**  |  |  |
|  | Lesbians | **As Above**  |  |  |
|  | Gay Men | **As Above.**  |  |  |
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| **PREGNANCY & MATERNITY** | Women | **Yes** Opening up age eligibility may allow service to target women who face the ‘motherhood penalty’ – slightly older women who face significant barriers in returning to work after having children. All GG must include Statutory Maternity Pay.  |  |  |
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| **RELIGION & BELIEF**\*\*A list of religions used in the census is available [here.](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwi0tbauhqnSAhVkDMAKHRrOBtAQFggkMAE&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fsecondary-set-of-harmonised-concepts-and-questions%2Fnational-and-religious-identity.pdf&usg=AFQjCNEq3xYwRxcbtwe3qqtyFgstlLd1WQ&bvm=bv.148073327,d.ZGg) | See note | Unknown impact as no information collected. Candidates will be eligible for programme regardless of religious beliefs.  |  |  |

\* For reasons of brevity race is not an exhaustive list, and therefore please feel free to augment the list above where appropriate; to reflect the complexity of other racial identities.

\*\* There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions used in the census is available [here.](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwi0tbauhqnSAhVkDMAKHRrOBtAQFggkMAE&url=https%3A%2F%2Fwww.ons.gov.uk%2Fons%2Fguide-method%2Fharmonisation%2Fsecondary-set-of-harmonised-concepts-and-questions%2Fnational-and-religious-identity.pdf&usg=AFQjCNEq3xYwRxcbtwe3qqtyFgstlLd1WQ&bvm=bv.148073327,d.ZGg)

Summary of Protected Characteristics Most Impacted

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| **Current changes introduced to Glasgow Guarantee programme under the refresh will have the greatest impact on the following protected characteristics: women, age, disability (all) and race.** The Glasgow Guarantee Refresh will have a range of positive impacts on various age groups. The expansion to the age range eligibility promotes inclusive growth as it will positively impact older workers who have previously been excluded from the programme and this older age group (29+) will now also have access to Modern Apprenticeships. The programme will continue to provide support to young people and increased flexibility in contracted working hours will allow an easier move into employment for young people just entering the labour market. Women will be positively impacted as the increased flexibility in working hours will allow lone parents, who are predominately women, the opportunity to enter/return to the labour market. This may help address the ‘motherhood penalties’ which are various barriers that women can face in entering the labour market once they have had children. Furthermore, with the average age of lone parents in Glasgow resting at 38 years old, the expansion of age eligibility will allow this group to access the employment and employment with qualification opportunities offered under the Glasgow Guarantee Refresh. In terms of persons with disabilities, the introduction of a job interview guarantee scheme will ensure that candidates who meet the job criteria will be invited to interview by businesses accessing Glasgow Guarantee funding. This provides both interview experience for candidates but also increases the likelihood of candidates accessing employment opportunities successfully. As with other protected characteristic groups, the changes to minimum contracted hours will allow more flexibility for candidates with disabilities who may be suited to a shorter working week. Automatic eligibility for candidates of all age coming through employability providers is beneficial for candidates with disabilities as they can be supported through the registration and application process. Race will also be positively impacted by the changes implemented under the Glasgow Guarantee Refresh. Eligibility through employability providers will allow persons from a range of ethnicities to be supported through the registration and application process, particularly if English is their second language. The MA programme is offering a pilot scheme where members of minority ethnic backgrounds can access enhanced funding. The opportunity for feedback on the Glasgow Guarantee to be more easily communicated has been implemented under the new system. This will allow greater communication between the GG and the Employability Providers concerning impacts on protected characteristics. Additionally, there is an opportunity for individuals to opt for non-disclosure of protected characteristics on the website. ‘Prefer not to say’ is a clear option for individuals. The service reform of Glasgow Guarantee has effectively incorporated feedback from an external review, consultation with employability providers and general research concerning hard to reach groups/protected characteristics into the new programme. Changes have been implemented with the positive impact for protected groups as the main priority. Plans for effective monitoring have be put in place to ensure that once programme is live, there will opportunities to determine how the Refresh effects those furthest from the labour market.  |

Summary of Socio Economic Impacts

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| Changes to programme will allow an increased number of members from protected characteristic groups to access employment and employment with qualifications opportunities offered. Whilst the programme has limited entry routes and strict eligibility terms it deliberately/effectively/purpose the service to target those furthest from the labour market and encourages inclusive growth in Glasgow. The programme further increases people’s knowledge about equality and fairness. Wage subsidy is attractive to businesses which encourages equality and inclusivity in recruitment practices. The links with employability providers, education and businesses promotes equality and fairness in Glasgow’s labour market.  |

Summary of Human Rights Impacts

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# OUTCOMES, ACTION & PUBLIC REPORTING

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| **Screening Outcome** | **Yes /No** **Or /****Not At This Stage** |
| **Was a significant level of negative impact arising from the project, policy or strategy identified?** | Not at this stage  |
| **Does the project, policy or strategy require to be amended to have a positive impact?** | No – amendments already undertaken to promote positive impact.  |
| **Does a Full Impact Assessment need to be undertaken?** | No – present report classes as Full Impact Assessment  |

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| **Actions: Next Steps**(i.e. is there a strategic group that can monitor any future actions) |
| **Further Action Required/ Action To Be Undertaken** | **Lead Officer and/or****Lead Strategic Group** | **Timescale for Resolution of Negative Impact (s) / Delivery of Positive Impact(s)** |
| To mitigate negative impact of zero concessions for part time or zero hour contract work, candidates can be referred to JBG’s core employability service. Changes to minimum contracted hours to be closely monitored to ensure businesses do not take advantage e.g. making two part time posts instead of one full time. Monitoring of candidate outcomes on registrations, applications and jobs with protected characteristics taken into consideration Engage with LGBTQ+ support services/charities to explore good practice in encouraging movement into employment and ways GG can better support this group.Monitoring should to consider the potential impacts for British Sign Language candidates and the potential impacts of the BSL Community. Can potentially link with employability providers catering to this group to gather in depth feedback.  |  | Continuous monitoring will be undertaken during the first six months of the soft launch of this program. After 6 months a review will be undertaken before the new financial year to ensure that the programme continues to successfully engage with the target groups and no negative impacts have arisen.  |

**Public Reporting**

All completed EQIA Screenings are required to be publically available on the [Council EQIA Webpage](https://www.glasgow.gov.uk/index.aspx?articleid=17533) once they have been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. (See [EQIA Guidance](https://www.glasgow.gov.uk/index.aspx?articleid=17533): Pgs. 11-12)

# MONITORING OUTCOMES, EVALUATION & REVIEW

The Equalities Impact Assessment (EQIA) screening is not an end in itself but the start of a continuous monitoring and review process. The relevant Strategic, Policy, or Operational Group responsible for the delivery of the Policy, Project, Service Reform or Budget Option, is also responsible for monitoring and reviewing the EQIA Screening and any actions that may have been take to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from **Corporate Strategic Policy and Planning** will be available to provide support and guidance.

## Legislation

**Equality Act (2010) - the Equality Act 2010 (Specific Duties) Scotland Regulations 2012**

# The 2010 Act consolidated previous equalities legislation to protect people from discrimination on grounds of:

* race
* sex
* being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called ‘gender reassignment’ in law)
* sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
* disability (or because of something connected with their disability)
* religion or belief
* having just had a baby or being pregnant
* being married or in a civil partnership, and
* age.

Further information: [Equality Act Guidance](https://www.gov.uk/equality-act-2010-guidance)

As noted the Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. In addition the **Specific Duties (Scotland Regulations 2012)** require local authorities to do the following to enable better performance of the general equality duty:

* report progress on mainstreaming the general equality duty
* publish equality outcomes and report progress in meeting those
* impact assess new or revised policies and practices as well as making arrangements to review existing policies and practices
gather, use and publish employee information
* publish gender pay gap information and an equal pay statement
* consider adding equality award criteria and contract conditions in public procurement exercises.

Further information: [Understanding Scottish Specific Public Sector Equality Duties](http://www.equalityhumanrights.com/about-us/devolved-authorities/the-commission-in-scotland/legal-news-in-about-us/devolved-authorities/the-commission-in-scotland/articles/understanding-the-scottish-specific-public-sector-equality-duties)

**Fairer Scotland Duty**

Authorities should also consider Socio-Economic Impacts where appropriate. Further information: [Fairer Scotland Duty Interim Guidance](https://www.gov.scot/binaries/content/documents/govscot/publications/guidance/2018/03/fairer-scotland-duty-interim-guidance-public-bodies/documents/00533417-pdf/00533417-pdf/govscot%3Adocument)

**Enforcement**
Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty.  Only the EHRC can enforce the specific duties.   A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.