

Date 05/12/2025
Your Ref
Our Ref 10826

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Dear

FREEDOM OF INFORMATION – PROTECTED CHARACTERISTIC

I write in response to your request for information in relation to protected characteristics.

Question:

- I have been reading through the most recent Board published report on workforce by protected characteristic –
<https://org.nhslothian.scot/equality-human-rights/wp-content/uploads/sites/36/2024/06/Equality-and-Diversity-Monitoring-Report-2023-2024-FINAL.pdf> - as required by the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 [as amended].

I am particularly interested in what NHS Lothian has published to meet section 6 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 [as amended]:

Duty to gather and use employee information

6.—(1) A listed authority must take steps to gather information on—

(a) the composition of the authority's employees (if any);

and

(b) the recruitment, development and retention [my underlining] of persons as employees of the authority, with respect to, in each year, the number and relevant protected characteristics of such persons.

In this particular context I was looking for retention data such as but not limited to:

- The average length of service [in years and months] of the current workforce
- The average length of service of those leaving government employment
- The average length of service of each cohort [men and women in the protected characteristic of sex for example] within each of the protected characteristics
- The average sickness absence rates alongside the average length of service of each cohort within each of the protected characteristics

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Chair Professor John Connaghan CBE
Chief Executive Professor Caroline Hiscox
Lothian NHS Board is the common name of Lothian Health Board

I was unable to find this and wondered if you could signpost me to where I can find such data sets. If NHS Lothian is not publishing data relating to the retention of employees as required by section 6 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 [as amended], perhaps you could explain the rationale for the absence of such data sets.

Answer:

I am advised that NHS Lothian does publish data in relation to the retention of employees as required by regulation 6 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

The [EHRC Technical Guidance on the Public Sector Equality Duty \(PSED\) Scotland](#) explains that the duty to gather and use employee information requires listed authorities to take steps to gather information in relation to recruitment, development and retention of staff with respect to protected characteristics. It explains that listed authorities need to put appropriate information gathering arrangements in place. In relation to retention, the guidance suggests information could be collected about termination (such as redundancies, resignations, dismissals and fixed term contracts).

Therefore, following the EHRC technical guidance, NHS Lothian gathers, uses and publishes information about the number of staff who leave employment by job family and protected characteristic. We have not published employee information about the average length of service or sickness of employees by protected characteristic.

We will consider whether using and publishing information about employees' average length of service and sickness absence can help us to have due regard to meeting the three needs in the PSED as part of our ongoing work to embed equality and human rights, and take this into account when preparing for our next reporting cycle.

For the reason above whilst we do not publish the data requested please find data on length of service by protected characteristics enclosed.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.



If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive
Enc.

FOI 10826 - Length of Service

Note that this data excludes Medical and Dental Residents, as they are employed on regional rotations.
This data also excludes bank staff.
Question 2 looks at leavers between April 2020 and July 2024.

1. The average length of service [in years and months] of the current workforce
10 years and 10 months.

2. The average length of service of those leaving government employment
7 years and 3 months.

3. The average length of service of each cohort [men and women in the protected characteristic of sex for example] within each of the protected characteristics

Sex

Female average: 7 years and 5 months

Male average: 6 years and 10 months

Ethnic Group

BME average: 4 years and 3 months

White Minority Average: 5 years and 10 months

All Other White British Average: 7 years and 3 months

Disability

Answered 'yes' to having a medical condition in the last 12 months: 5 years and 1 month

Answered 'no' to having a medical condition in the last 12 months: 7 years and 0 months

Age

24 and under: 7 months

25-34: 1 year and 10 months

35-44: 3 years and 10 months

45-54: 6 years and 3 months

55-64: 14 years and 9 months

65+: 13 years and 10 months

Religion

Buddist: 6 years and 10 months

Christian - Other: 6 years and 0 months

Church of Scotland: 11 years and 3 months

Hindu: 3 years and 10 months

Jewish: 11 years and 0 months

Muslim: 3 years and 7 months

Roman Catholic: 6 years and 7 months

Sikh: 1 years and 6 months

Other Religion: 5 years and 4 months

No Religion: 6 years and 7 months

Sexual Orientation

Bisexual: 3 years and 0 months

Gay/Lesbian: 4 years and 4 months

Hetrosexual/Straight: 6 years and 7 months

Other Sexual Orientation: 7 years and 9 months

4. The average sickness absence rates alongside the average length of service of each cohort within each of the protected characteristics

Information not centrally available.