

Date 08/12/2025
Your Ref
Our Ref 10846

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Dear

FREEDOM OF INFORMATION – EQUALITY ACT 2010 AND WORKFORCE DATA GATHERING

I write in response to your request for information in relation to the Equality Act 2010 and Workforce Data Gathering.

Question:

- I am writing to ask under the provisions of the Freedom of Information (Scotland) Act 2002 that the Board provides me with the following information on employees:
 - The average length of service of all current employees expressed as a single figure in years and months
 - The average length of service of all employees and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years
 - The average length of service of all employees according to the protected characteristic of sex, with an average for all men and another for all women [sex as defined by the Supreme Court in April 2025 as biological and binary]
 - The average length of service of all employees according to the protected characteristic of sex, with an average for all men and an average for all women, and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years
 - The average length of service of all employees according to the protected characteristic of sex at the point they leave employment with the Board, with an average for all employees, an average for all men and another average for all women
 - The average length of service of all employees according to the protected characteristic of ethnicity using these sub-groupings [**BME** - Mixed or Multiple Ethnic Group, Asian Pakistani, Asian Indian, Asian Bangladeshi, Asian Chinese, Asian Other, African, African Other, Caribbean, Black, Caribbean or Black Other, Arab and Other Ethnic Group - **White Minority** - White Irish, White Gypsy/Traveller, White Polish and White Other - **All Other White British** - White English, White Northern Irish, White Welsh and White Other British]
 - The average length of service of all employees according to the protected characteristic of ethnicity using these 3 sub-groups [**BME** - Mixed or Multiple Ethnic Group, Asian Pakistani, Asian Indian, Asian Bangladeshi, Asian Chinese, Asian Other, African, African Other,

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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

Caribbean, Black, Caribbean or Black Other, Arab and Other Ethnic Group - **White Minority** - White Irish, White Gypsy/Traveller, White Polish and White Other - **All Other White British** - White English, White Northern Irish, White Welsh and White Other British], and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years

- The average length of service of all employees according to the protected characteristic of ethnicity at the point they leave employment with the Board, with an average for all employees and average for each of the above three sub-groups
- The average length of service of all employees according to the protected characteristic of disability, with an average for all disabled people and another for all other employees not identifying as disabled
- The average length of service of all employees according to the protected characteristic of disability, with an average for all disabled people and an average for all employees not identifying as disabled, and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years
- The average length of service of all employees according to the protected characteristic of disability at the point they leave employment with the Board, with an average for all employees, an average for all disabled people and an average for all employees not identifying as disabled.

In addition to the above, can you please explain why the Board has not gathered, used and published data sets similar to the above on the workforce in pursuit of the Public Sector Equality Duty ?

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.

To protect the identity of the individuals involved any figure of 5 or less has not been shown in the tables enclosed.. Since we do not have their consent to release this data from their records, the information is exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act i.e. to provide it would breach the Data Protection Act (2018).

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 10846 - Length of Service (LOS)

Note that this data excludes Medical and Dental Residents, as they are employed on regional rotations.
This data also excludes bank staff.
Question 5, 8 and 11 looks at leavers between April 2020 and July 2024.

1. The average length of service of all current employees expressed as a single figure in years and months
10 years and 10 months.

2. The average length of service of all employees and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years
See table 1.

3. The average length of service of all employees according to the protected characteristic of sex, with an average for all men and another for all women [sex as defined by the Supreme Court in April 2025 as biological and binary]
Female average: 11 years and 0 months
Male average: 10 years and 4 months

4. The average length of service of all employees according to the protected characteristic of sex, with an average for all men and an average for all women, and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years
See table 2.

5. The average length of service of all employees according to the protected characteristic of sex at the point they leave employment with the Board, with an average for all employees, an average for all men and another average for all women
Overall average: 7 years and 3 months
Female average: 7 years and 5 months
Male average: 6 years and 10 months

6. The average length of service of all employees according to the protected characteristic of ethnicity using these sub-groupings [BME - Mixed or Multiple Ethnic Group, Asian Pakistani, Asian Indian, Asian Bangladeshi, Asian Chinese, Asian Other, African, African Other, Caribbean, Black, Caribbean or Black Other, Arab and Other Ethnic Group - White Minority - White Irish, White Gypsy/Traveller, White Polish and White Other - All Other White British - White English, White Northern Irish, White Welsh and White Other British]
BME average: 6 years and 0 months
White Minority Average: 9 years and 3 months
All Other White British Average: 10 years and 2 months

7. The average length of service of all employees according to the protected characteristic of ethnicity using these 3 sub-groups [BME - Mixed or Multiple Ethnic Group, Asian Pakistani, Asian Indian, Asian Bangladeshi, Asian Chinese, Asian Other, African, African Other, Caribbean, Black, Caribbean or Black Other, Arab and Other Ethnic Group - White Minority - White Irish, White Gypsy/Traveller, White Polish and White Other - All Other White British - White English, White Northern Irish, White Welsh and White Other British], and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years
See table 3.

8. The average length of service of all employees according to the protected characteristic of ethnicity at the point they leave employment with the Board, with an average for all employees and average for each of the above three sub-groups
Overall average: 7 years and 3 months
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

9. The average length of service of all employees according to the protected characteristic of disability, with an average for all disabled people and another for all other employees not identifying as disabled
Answered 'yes' to having a medical condition in the last 12 months: 8 years and 1 month
Answered 'no' to having a medical condition in the last 12 months: 9 years and 2 months

10. The average length of service of all employees according to the protected characteristic of disability, with an average for all disabled people and an average for all employees not identifying as disabled, and allocated to 10 year groupings, i.e. up to 10 years, between 10 and 20 years, between 20 and 30 years, between 30 and 40 years, and between 40 and 50 years
See table 4.

11. The average length of service of all employees according to the protected characteristic of disability at the point they leave employment with the Board, with an average for all employees, an average for all disabled people and an average for all employees not identifying as disabled.
Overall average: 7 years and 3 months
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

12. In addition to the above, can you please explain why the Board has not gathered, used and published data sets similar to the above on the workforce in pursuit of the Public Sector Equality Duty ?

Table 1.

Length of Service	Headcount
Up to 10 years	16,937
11-20 years	5,830
21-30 years	2,863
31-40 years	1,133
41-50 years	266
50+ years	5<

Table 2.

Length of Service	Female Headcount	Male Headcount
Up to 10 years	13,322	3,615
11-20 years	4,537	1,293
21-30 years	2,309	554
31-40 years	906	227
41-50 years	212	54
50+ years	5<	0

Table 3.

Length of Service	BME	White Minority	All Other White British
Up to 10 years	1416	1793	10,390
11-20 years	320	420	3,837
21-30 years	86	278	1,118
31-40 years	27	100	482
41-50 years	9	23	137
50+ years	0	0	0

Table 4.

Length of Service	Answered 'yes' to having a medical condition in the last 12 months:	Answered 'no' to having a medical condition in the last 12 months:
Up to 10 years	461	14722
11-20 years	119	4951
21-30 years	38	1376
31-40 years	13	499
41-50 years	5<	146
50+ years	0	5<