

Trans Inclusion Guidance

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Trans Inclusion Guidance

England Netball embraces diversity, is committed to providing enjoyable netball for all who wish to participate, and has developed guidance in respect of transgender people in all aspects of the Sport: players, coaches, volunteers and spectators.

Transgender and transsexual people, and the ability to obtain legal recognition of their acquired gender are protected by legislation against discrimination.

This guidance uses a number of terms associated with transgender people, see definitions below:

Understanding the terms that are used

| Term | Explanation |
|--|--|
| Assigned Sex | The sex, male or female, assigned at birth based on physical characteristics |
| Gender-affected sport | Netball is 'gender-affected', and means that the average woman will always be at a disadvantage when competing against men. |
| Gender Dysphoria or gender identify disorder | A condition where someone experiences discomfort or distress because of a mismatch between their gender identity and sex assigned at birth. Signs can appear at a very young age eg a child refusing to wear typical clothes of their gender or taking part in non-typical games – this occasionally passes but usually continues to adulthood. The onset of puberty may increase the risk of self-harm, addiction or suicide. |
| Gender identity or affirmed gender | The gender to which a person identifies or has transitioned or is transitioning, and which is opposed to that which was assigned at birth. Every person has a right to be able to express their gender in a way that is comfortable to them. Always use a transgender person's chosen name. |
| Gender Reassignment | A term used for a person proposing to undergo, is undergoing, or has undergone, a process or part of a process for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. (Gender Reassignment is a protected characteristic under the Equality Act 2010) |
| Gender Recognition Certificate (GRC) | Trans people whose birth was registered in the UK can apply to the Gender Recognition Panel to have their acquired/affirmed gender recorded on their birth certificate. If accepted, the applicant receives a GRC which permits the holder to be recognised for all legal purposes, inc marriage, in their acquired gender. |
| Intersex | A condition where a child at birth doesn't clearly appear male or female. Parents may be recommended to wait until the child can choose their own gender identity before any surgery is carried out. |
| Non-binary/ genderqueer | Someone who defines their gender as falling somewhere in between man and woman; for example, those who are both man and woman, or neither man nor woman, or moving between genders. |
| Non-gendered | A person who doesn't identify with either male or female gender |
| Real-Life Experience/ living in full-time gender | The Real-Life Experience (RLE), is a period of time in which transgender people live full-time in their preferred gender role. The purpose is to confirm that a transgender person can function successfully as a member of the opposite gender in society, and confirms that they are sure they want to live as that gender for the rest of their life. |
| Trans | The umbrella term for any person whose gender identity does not correspond to that person's biological sex assigned at birth, and all cross over identities that challenge the socially constructed border between the genders This includes androgyne, polygender, cross-dressing and transvestite people. |
| Trans Woman or girl | A person assigned male at birth who identifies with the female gender, but has not necessarily transitioned. |
| Transgender Man or boy | Someone designated as female at birth but identifies as male but has not transitioned. |
| Transition | Someone who is taking or has taken the 4-5 year complex medical process of changing their birth sex and their legal documentation to become the opposite sex. |
| Transphobia | Discriminatory, abusive or negative language or behaviour directed towards a transgender person, and may include refusal to provide access to services equal to non-trans people. It is as unacceptable as racism, sexism or homophobia. |

Transsexual

A person who proposes, or undergoes to realign their gender and sex through use of medical intervention.

Good Practice for local Netball Officials:

New Members

- Welcome everyone to play and enjoy netball equally, and accept anyone joining in the gender they identify with, whether or not transition is taking/has taken place, and address that person accordingly. In most netball clubs this will be in the form of a transwoman (someone designated male at birth who wishes to identify with the female gender). It should be remembered that it is illegal to discriminate against a trans person.
- If someone tells you when they join that they are trans, or it is disclosed on their application form, ask if they have any concerns or questions, explain the Trans Guidance and ask their view on how they wish to proceed.
- Transwomen will be able to play in friendly and informal matches, join in training sessions, become officials, coaches and volunteer at your club, although they may not be eligible to play in competition* (see notes below under Domestic Competition).
- As with all new members introduce them to others and ask an existing member to act as their mentor for a while, and show them around.
- If you don't know if someone is trans, you will automatically treat them as a member of their self-identified gender - respect their affirmed gender, use the title and name they provide, and refer to them in that gender.
- Treat the individual with dignity, and respect the private and confidential nature of their situation.
- Agree with the individual what information is to be shared with others and, if this is necessary, how this should be shared. Thereafter, England Netball policy on [Data Protection](#) should be followed.
- Encourage the individual to feedback any inappropriate language or behaviour from other individuals so that it can be dealt with.
- Ensure a Code of Conduct is publicised indicating the club's zero-tolerance policy towards all bullying/harassment of people with protected characteristics.
- Adopt/adapt and communicate to all members, EN's [Equality Policy](#) and [Anti-Bullying & Harassment](#) Policy.

Changing Facilities

- Ask the individual what communal changing facilities they would prefer to use, as not every changing facility will have private cubicles. This may depend on whether the individual has transitioned or is in the process of transitioning and whether they have undergone any gender reassignment surgery. It may be that the most appropriate option is to use the cubicles in the toilets appropriate to their full time gender role, or that they should arrive changed and ready to participate.
- Adults (unless they are parents) do not use the same changing facilities as children under the age of 18 unless there are separate cubicles.

Toilets

Everyone has a right to choose the facilities that they're comfortable with. All toilet facilities have cubicles, and unisex toilets are becoming more usual in public venues which helps to retain privacy and dignity for everyone.

Confidentiality:

It is illegal under the [Gender Recognition Act 2004](#) for a person who has acquired transgender information in an official capacity to disclose personal information about that person's gender history if he/she has applied for a gender recognition certificate or been granted one, except with his/her permission or in other very limited circumstances. Any information relating to a transsexual person's former gender (regardless of whether or not they have a Gender Recognition Certificate) is also likely to be classed as sensitive personal data under the Data Protection Act 1998.

Safeguarding and Good practice for working with young Trans people

Transgender children

A few children change their gender role at a young age, before starting school, or during their early years in school. Children in this situation up to the age of 12 may play competitive netball in their affirmed gender without restriction.

Some trans children are given medication to suspend their puberty and prevent the development of sex characteristics. These trans girls will be able to play in competitive sport. It is only when pubertal changes start to occur that any concerns about 'fairness' may arise as that may start to create an advantage of one sex over another.

Providing accessible and welcoming information for young Trans people creates an environment where everyone feels valued and those young people have their needs fully taken into account, without prejudice or transphobia.

Welcoming Trans Children and young People to your Club

Considering the issues below and applying good practice will allow young trans people to feel safe and supported in and by their club:

- the club treats all young people with respect and fully implements equal opportunities, tackling homophobia and transphobia in the same way as racism, sexism and other forms of discrimination
- anti-bullying policies take into account transgender issues and are visible within the club setting
- the images the club presents and displays reflect transgender diversity
- practices are open and inclusive
- do not automatically assume that everyone is heterosexual or with their assigned birth gender
- positive action is taken to attract a representative group of young people to attend
- the club undertakes sensitive monitoring of sexuality
- club personnel and staff have LGBT awareness training and understand the needs and vulnerabilities that LGBT young people have
- teams reflect the diversity in the community in terms of sexuality as well as race, gender, religion, ability, age, etc
- all young members to sign the Codes of Conduct

Transphobia

England Netball promotes a zero tolerance approach to transphobia and ensures that any unacceptable behaviour and language is challenged appropriately and sanctions and /or educational programmes implemented to ensure the creation of a safe, inclusive and welcoming environment for trans people.

Types of discrimination include:

- discriminatory language or behaviour directed towards anyone who comes under the umbrella term of trans,
- discrimination towards a transgender person's friend or supporter,
- anyone that may be perceived to be a transgender person (whether they are transgender or not),
- a reluctance or refusal to provide access to services to the same extent as that provided for a non-transgender person.

*Transphobic behaviour should be reported to the police *and* to England Netball at: zero-tolerance@englandnetball.co.uk

Trans people competing in domestic competition

Netball is a 'gender-affected' sport which is defined as one where 'the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender as competitors in events involving the sport'. (Gender Recognition Act 2004).

The overriding sporting objective is the guarantee of fair and safe competition. Netball clubs must not restrict the participation of a transgender person in competitive sport unless this is strictly necessary to uphold fair or safe competition; any other restriction may amount to direct discrimination.

Transwomen, whether or not they have a Gender Recognition Certificate (GRC), can play, attend training, become officials, coaches and volunteer at your club; however when it comes to competition, clubs should work in accordance with the Equality Act, which states:

- 5.5.2 'The Act allows transsexual competitors to be prohibited from competing where the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex and where such a prohibition is necessary for fair competition or the safety of competitors'.

Domestic Competition run in accordance with EN's regulations and policies

Any transsexual male may compete in his affirmed gender in any male or mixed-sex domestic competition

Transsexual woman over 16 and post-puberty (male-to-female transgender person) may compete in her affirmed gender in female or mixed-sex domestic competition by providing evidence that her hormone therapy has brought her blood- measured testosterone levels within the range of her affirmed gender or that she has had a gonadectomy (which prevents further production of male hormones).

It should be made clear to the transwoman or girl that she is not entitled to play in female competition until she has provided evidence that the criteria has been met. She will be required to disclose medical information to support this.

OR

She may compete in any male or mixed-sex competition if she has not started hormone treatment.

Transgender girl – under 16 and post-puberty Either she may compete in her affirmed gender in any female or mixed-sex domestic competitions subject to an individual case-by-case review, if required, undertaken by England Netball. The transsexual girl and her parent or guardian should be asked to permit EN to undertake a review meeting to check her individual circumstances and manage expectations with due consideration to fairness and safety.

However, medical interventions may be undertaken that suspend puberty, and those young people will be able to take part in adult sport during their teens and into adulthood according to their affirmed gender status, without restriction. The issue of whether or not young players have physiological treatments during puberty can determine the level of their inclusion, so an understanding of this is crucial.

Or

She may compete in any male or mixed-sex competition if she has not started hormone treatment.

Transgender girl – pre-puberty - may compete in her affirmed gender in any female or mixed-sex domestic competition subject to confirmation of her stage of pubertal development. This is because there would be no virilising effects of testosterone, minimising the risk of injury and no physical advantage over competitors of the same age. The girl and her parent or carer may be asked to refer to her GP for details.

Trans people as spectators

Spectators may be transgender and may be subjected to transphobic comments from others around them. Transphobic language and behaviour can be reported directly to club safeguarding officers or officials. In the same way that racist or homophobic language and behaviour is challenged it is vital that coaches and club staff respond to transphobic language whenever it happens and take all reasonable steps to resolve the situation safely and effectively.

Spectators may also direct transphobic comments at players. This is not always because a player is known to be trans, but simply as a term of abuse, in the same way that 'gay' may be used as a derogatory term, even if there are no gay people present. Whenever phobic language is used it creates a hostile environment and must be addressed.

Trans people as England Netball employees

England Netball will not discriminate against trans people in any aspect of their employment and will endeavour to ensure that the culture of the workplace is supportive and welcoming throughout any transitioning process or as a transgender person.

In accordance with our Equality policy, and other key policies such as the Anti-Bullying & Harassment Policy, any discrimination, unfair or unreasonable behaviour or treatment will be taken seriously and action taken in accordance with the Employee Handbook.

England Netball will work to meet the individual needs of each person to ensure that they have a positive experience of their employment with England Netball.

See: www.gires.org.uk/assets/Workplace/transition-at-work.pdf for further information

Organisations offering further guidance and support:

- [Mermaids](#)
- [Gendered Intelligence - support for young people](#)
- [Pride Sports](#)
- [Trans Action Group \(TAG\)](#)
- [Stonewall](#)
- Equality in Sport www.equalityinsport.org
- [Gender Trust](#)
- [The Rainbow Project](#)
- [GIRES](#)

The [Gender Identity Research and Education Society \(GIRES\)](#) have developed a free e learning resource on transgender issues. The research was designed with local authorities in mind, which makes it particularly helpful as one of the key examples is about a sports facility. This training is highly recommended for everybody working in sport, it only takes a short time to complete and will really help you to understand the issues affecting trans people in the UK.

Legislation

Under the [Equality Act 2010](#), Trans people cannot be directly or indirectly discriminated against, nor can they be harassed.

The law covers transgender people in different ways. The small number of transsexual people who, by definition, have the 'protected characteristic' of 'gender reassignment', are specifically protected, by the Equality Act 2010, from discrimination, harassment and victimisation, in employment and in the provision of goods, facilities and services, from the time that they disclose their intention to change their role.

However, equality law does also protect individuals in the wider transgender community, if they are discriminated against or harassed on the grounds that they are 'perceived' to be transsexual, as well as those who are 'associated' with a transsexual person, such as partners, family members or carers. The Act is, therefore, relevant to transgender employees, club members, volunteers and spectators who are, or who may be perceived to be transsexual and could, potentially, be subjected to transphobic behaviour.

The [Gender Recognition Act \(2004\)](#) provides transsexual people with legal recognition in their acquired gender, subject to some specified exceptions. A minority of the people who have undergone permanent transition of their gender role, obtain a gender recognition certificate (GRC) in accordance with the Gender Recognition Act, 2004 (GRA). In order to obtain a GRC it is not necessary to have had genital or other surgeries. Those whose births were registered in the UK, automatically receive a new birth certificate. The GRA provides enhanced privacy protection with regard to sensitive information about their gender status, from the time of application to the Gender Recognition Panel (GRP). In these circumstances, breach of privacy by any club official could amount to a criminal offence. The GRC confers on transsexual people their post-transition gender status 'for all purposes'. It may be considered to be harassment, to ask if a person has a GRC, so it is advisable to extend the same level of protection and privacy to all those who have changed their gender role on a permanent basis.

The privacy of the wider group of transgender people, as well as transsexual people, is also protected under the Data Protection Act 1998, which means that any processing of their data should seek to avoid causing any damage or distress.

Sport Council Advisory Documents

IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism

November 2015

http://www.olympic.org/Documents/Commissions_PDFfiles/Medical_commission/2015-11_ioc_consensus_meeting_on_sex_reassignment_and_hyperandrogenism-en.pdf

Transsexual People and Competitive Sport – Guidance for National Governing Bodies of Sport

<http://www.equalityinsport.org/download?id=1155>

Transsexual People - Eligibility to compete in Domestic Competition

<http://www.equalityinsport.org/download?id=1142>

Transgender and Intersex Sports Provision at the University of Cambridge

<http://www.equalityinsport.org/download?id=913>

1) Transgender Guidelines

- A. Since the 2003 Stockholm Consensus on Sex Reassignment in Sports, there has been a growing recognition of the importance of autonomy of gender identity in society, as reflected in the laws of many jurisdictions worldwide.
- B. There are also, however, jurisdictions where autonomy of gender identity is not recognised in law at all.
- C. It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.
- D. The overriding sporting objective is and remains the guarantee of fair competition. Restrictions on participation are appropriate to the extent that they are necessary and proportionate to the achievement of that objective.
- E. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.
- F. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.
- G. These guidelines are a living document and will be subject to review in light of any scientific or medical developments.

In this spirit, the IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

1. Those who transition from female to male are eligible to compete in the male category without restriction.
2. Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - 2.1. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - 2.2. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).
 - 2.3. The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category.
 - 2.4. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

2) Hyperandrogenism in female athletes

In response to the interim award dated 24 July 2015 in Chand v AFI and IAAF CAS 2014/A/3759, the IOC Consensus Meeting recommended:

1. Rules should be in place for the protection of women in sport and the promotion of the principles of fair competition.
2. The IAAF, with support from other International Federations, National Olympic Committees and other sports organisations, is encouraged to revert to CAS with arguments and evidence to support the reinstatement of its hyperandrogenism rules.
3. To avoid discrimination, if not eligible for female competition the athlete should be eligible to compete in male competition.