



# Transgender Policy

## VERSION CONTROL

Version No.	Date Amended	Amended By	Reason
1.0	01/12/2013		Issued
1.1	10/10/2015	Jim Hay	Suitability Review
2.0	24/05/2016		Board Approval
2.1	24/2/2017	Hugh Torrance	External Approval

## Introduction

Scottish Squash and Racketball Limited (SSRL) is committed to the principles of equality in sport.

SSRL aims to ensure that all people within the squash or racketball family, irrespective of their age, gender reassignment, disability, marriage or civil partnership, pregnancy, maternity or breastfeeding status, race (including ethnic origin, nationality and colour), religion or belief, sex, social status or sexual orientation, have a genuine and equal opportunity to participate in squash or racketball at all levels and in all roles.

SSRL will ensure that there will be open access to all those who wish to participate in any aspect of squash or racketball activities and that they are treated fairly, equally and with respect.

Under current legislation, squash or racketball as a gender-affected sport, may be regulated by SSRL in respect of the participation of a transsexual person.

SSRL wishes to try, so far as is possible, to permit transsexual people to compete in their affirmed gender while balancing this with its role in providing fair play and competition and protecting the integrity of women's, men's and mixed gender, competitions.

In addition to those wishing to compete, it also has a responsibility to protect those who may be staff or spectators, and who may be transgender individual, or perceived to be so, or associated with them, such as family members. However this particular document focuses only on players, or would-be players, in squash or racketball competitions.

This policy uses a number of terms associated with transgender individuals and squash and racketball. We recognise that there are considerable differences in those that are used, and we have adopted the following terms.

### Transgender person

The term transgender person or trans person are umbrella terms to cover a number of specific terms such as transsexual men, transsexual women, intersex people, androgyne and polygender people.

### Gender reassignment

Gender reassignment is one of a number of protected characteristics defined in the Equality Act 2010 and refers to the process of transitioning from one gender to another. This legislation prohibits discrimination against a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning their gender.

**Comment [A1]:** Good policy overall – perhaps difference between gender reassignment and sex reassignment to consider more?

Is it worth having a statement of principles in the introduction that speaks more to the trans person? (i.e. treated with respect, affirmed gender recognised and respected etc)

## Transsexual person

This term refers to someone with the protected characteristic of gender reassignment. We use the term transsexual man to describe a female-to-male transsexual person and transsexual woman to describe a male-to-female transsexual person. This is not the same as a cross-dresser nor is it the same as sexual orientation.

## Scope

SSRL is the National Governing Body for the sports of squash and racketball in Scotland. Therefore this policy and procedures relate solely to activity within this territory. SSRL is responsible for setting standards and values to apply throughout squash or racketball at every level in Scotland. It is the responsibility of SSRL to apply the rules of squash or racketball and regulate participation of persons as competitors in squash or racketball matches to ensure that it provides fair competition and has due regard for the safety of all competitors. It runs and organises a range of competitions to suit the needs of all players. SSRL would expect players to play at an appropriate level.

This policy covers competitions sanctioned by the SSRL Board; it includes competition managed and organised by its members and Regional Associations, and affiliated leagues and clubs, referred to as ***domestic competitions*** in this paper.

The policy also covers the eligibility and selection of transsexual players to represent Scotland in international competitions, referred to as ***international competitions*** in this paper.

For the avoidance of doubt, the word competition is defined as activity where the result (winning and losing) has a meaningful outcome.

SSRL's Policy and Procedures on Transsexual People Playing in Squash or racketball Competitions apply to all individuals involved, whether paid or in a voluntary capacity. Everyone in squash or racketball has a responsibility to ensure that transsexual people are treated with dignity and respect and that they are treated fairly.

## Guidance and legislation

The practices and procedures within this policy and documentation are based on the principles contained within English legislation and take the following into consideration:

- Equality Act 2010.
- IOC Guidance on Sex Reassignment 2004.
- Data Protection Act 1998.
- Gender Recognition Act 2004.

## Policy and Procedures

- Any transsexual male (female-to-male transsexual person) recognised under English law as someone undergoing, or who has undergone, gender reassignment may compete in any male, domestic squash or racketball competition or mixed gender competition in his affirmed gender; or
- Any transsexual woman (male-to-female transsexual person) over the age of 16 recognised under English law as someone undergoing, or who has undergone, gender reassignment may compete in any female, domestic squash or racketball competition or mixed gender completion in her affirmed gender as long as she can satisfy the SSRL that any gender-related advantage has been minimised by providing evidence that her hormone therapy has brought her blood-measured testosterone levels within the range of her affirmed gender; or
- Any transsexual girl (under 16 and post puberty) recognised under English law as someone undergoing, or who has undergone, gender reassignment may compete in any female, domestic squash or racketball competition or mixed gender competition in her affirmed gender subject to an individual case-by-case review, if required, by the SSRL; or
- Any transsexual girl (pre-puberty) recognised under English law as someone undergoing, or who has undergone, gender reassignment may compete in any female, domestic squash or racketball or mixed gender competition in her affirmed gender subject to confirmation of her stage of pubertal development.
- Any transsexual person shall be permitted to participate in their birth gender if they have not started hormone treatment.
- Any transsexual player recognised under English or Scots law as someone undergoing, or who has undergone, gender reassignment is eligible to represent Scotland in international competitions as long as they comply with the IOC's policy on sex reassignment as follows:
  - a) Any transsexual female who has undergone, or is undergoing sex reassignment surgery from male to female before puberty should be regarded as female. This also applies to transsexual males who should be regarded as boys and men (male). If any individual meets the relevant requirement they can be eligible for selection to represent Scotland in international competitions. This should be conditional on the individual presenting with legal recognition of their affirmed gender.
  - b) Any transsexual person recognised under English law who has undergone gender reassignment after puberty can be eligible for selection to represent Scotland in international competitions in their affirmed gender under the following conditions:
    - Surgical anatomical changes, including external genitalia changes and gonadectomy have been completed two years before seeking eligibility;

**Comment [A2]:** I'm not convinced of the need for this – the Equality Act is enough.

**Comment [A3]:** Is there any time period requirement?

**Comment [A4]:** What determines this?

**Comment [A5]:** Not sure I'm getting the difference between the English and Scots law issues. Should this just all be UK law as it stands?

**Comment [A6]:** The IOC policy has changed and this will need to change in line with that. The SCEG guidelines are due to change in conjunction with this.

**Comment [A7]:** This area probably needs some discussion and rewording. Current practice is such that trans people don't have reassignment surgery before puberty, although they might be on hormone repressing medication. But if they want to identify as either gender then that's ok as testosterone production hasn't started pre-puberty.

**Comment [A8]:** The term in (a) above refers to sex reassignment whilst this refers to gender again – need to be consistent and we also

- Legal recognition of their assigned sex has been conferred by the appropriate official authorities; and
- Hormone therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time to minimise gender-related advantage in squash or racketball competitions.

This is summarised on the following table

AFFIRMED GENDER	DOMESTIC COMPETITION	INTERNATIONAL COMPETITION
ANY TRANSSEXUAL MALE	May compete in any male or mixed gender domestic competition in their affirmed gender.	May represent Scotland in international competition if he is compliant with IOC policy
TRANSSEXUAL WOMAN – OVER 16	<p>May compete in any mixed gender competition.</p> <p>May compete in any female competition by providing evidence that her hormone therapy has brought her blood-measured testosterone levels within the range of her affirmed gender this is confirmed annually</p> <p>May compete in any male or mixed gender competition if she has not started hormone treatment.</p>	May represent Scotland in international competition if she is compliant with IOC policy
TRANSSEXUAL GIRL – UNDER 16 AND AFTER PUBERTY	<p>May compete in any female or mixed gender domestic competition subject to an individual case-by-case review undertaken by the SSRL</p> <p><i>or</i></p> <p>If she has not started hormone treatment she can play in any male domestic and any mixed gender competition as male.</p>	May represent Scotland in any international competition if she is compliant with IOC policy
TRANSSEXUAL GIRL – BEFORE PUBERTY	May compete in any female or mixed gender domestic competition in her affirmed gender subject to confirmation of her stage of pubertal development.	May represent Scotland in international competition if she is compliant with IOC policy

**Comment [A9]:** Yes though see earlier comments re changes.

## SSRL's procedure to determine eligibility for transsexual people to play in domestic squash or racketball competitions

### For all transsexual women

- All enquiries must be passed to the SSRL's CEO.
- All documentation revealing information about a person's past or present gender reassignment status will be managed in accordance with the SSRL's policies with regards to the management of sensitive and confidential information and in line with the Data Protection Act 1998 and, where relevant the Gender Recognition Act 2004.
- Anyone involved will understand the confidentiality obligations that are associated with handling such a matter.
- SSRL will undertake all communication with the individual concerned only sharing information with the Regional Squash and Racketball Association and/or the league or club on a 'needs-led' basis allowing them to manage player registration.
- In order to determine compliance with this policy SSRL's CEO, Chair of the Compliance committee and a medical representative appointed by the SSRL will consider the evidence on a case-by case basis.
- A transsexual woman or girl shall not be entitled to play in female, domestic competitions in her affirmed gender until such time as she has provided evidence that the criteria set out have been met to SSRL's satisfaction.

**Comment [A10]:** Should this be 'need-to-know' rather than 'needs-led'?

**Comment [A11]:** Is it worth saying that this would be shared with the permission of the individual?

### For transsexual women over the age of 16

- The transsexual woman (and her legal guardian if under 18) will be asked to permit their GP and/or consultant to disclose sufficient information to SSRL (including such other information, records or other material as SSRL may require from time to time) to allow it to ascertain that hormone therapy has been administered in a verifiable manner and for a minimum of one year and that this has minimised any gender-related advantages in squash or racketball competitions. This will need to demonstrate that the hormone treatment has reduced her blood-measured testosterone levels within the range of her affirmed gender; hormone-related treatment must be verified annually to ensure its validity;

### **For transsexual girls (under 16 and post puberty)**

- The transsexual girl and her legal guardian will be asked to permit SSRL to undertake an individual case-by-case review. This will involve a review meeting with the transsexual girl, her advocate (e.g. parent, social worker, a representative from a LGBT young people's group) and a representative from SSRL. Their role will be to agree a way forward for the young person based on her individual circumstances and to manage everybody's expectations and with due consideration for fairness.

### **For transsexual girls pre puberty**

- The transsexual girl and her legal guardian will be asked to permit their GP and/or Consultant to disclose sufficient information to SSRL (including such other information, records or other material as the SSRL may require from time to time) to allow it to ascertain the girl's stage of pubertal development. This is subject to an annual review.

## SSRL's procedure to determine eligibility for transsexual people to represent Scotland in international competitions

- All enquiries must be passed to SSRL's CEO.
- All documentation revealing information about a person's past or present gender reassignment status must be managed in accordance with the SSRL's policies with regards to the management of sensitive and confidential information and in line with the Data Protection Act 1998 and, where relevant the Gender Recognition Act 2004.
- Anyone involved will understand the confidentiality obligations that are associated with handling such a matter.
- SSRL will undertake all communication with the individual concerned only sharing information with international competition organisers in order to allow it to verify the status of the transsexual person.
- The transsexual person (and her legal guardian if under the age of 18) will be asked to permit their GP and/or consultant and the Gender Recognition Panel (where appropriate) to disclose sufficient information to SSRL (including such other information, records or other material as SSRL may require from time to time) to allow it to ascertain that the conditions that have been set by the IOC have been met. Namely:
  - Any individual undergoing, or undergone, sex reassignment of male to female before puberty should be regarded as girls and women" (female). This also applies to individuals undergoing, or undergone, female to male reassignment, who should be regarded as boys and men (male).
  - Individuals undergoing, or undergone, sex reassignment from male to female after puberty (and vice versa) be eligible for participation in female or male competitions, respectively, under the following conditions:
    - i. Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy two years previously; and
    - ii. Legal recognition of their assigned sex has been conferred by the appropriate official authorities; and
    - iii. Hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time to minimise gender-related advantages in sport competitions.
- In order to determine compliance with this policy SSRL's CEO, a Director responsible for Governance and a medical representative appointed by the SSRL will consider the evidence on a case-by case basis.
- A person shall not be entitled to represent Scotland in international competitions in their affirmed gender until such time as they have provided evidence that the criteria set out above have been met to SSRL's satisfaction.

**Comment [A12]:** Would this be necessary if you have already completed such verification? I think only the level of information which would ordinarily be shared with a competition organiser should be shared in this instance.

**Comment [A13]:** Same comments as earlier – we're talking about gender reassignment here, not sex. And the preferred term to undergoing or undergone in this instance is 'affirmed' gender because this is a matter of individual choice rather than prescribed process.

**Comment [A14]:** As above.

## **Roles and Responsibilities**

All squash or racketball organisations should:

- Treat the transsexual person with dignity and respect.
- Explain the policy and procedures and ask his or her view on how to proceed.
- Explain that there are no restrictions on participating in training or informal matches.
- Respect the private and confidential nature of the person's situation.
- Agree with the transsexual person how information is to be shared with others if this is necessary.
- Take prompt and decisive action against anyone in the organisation whose behaviour or language is inappropriate or offensive to or about transsexual people. Disciplinary procedures should be employed to manage this.
- Ensure a Code of Conduct is publicised indicating a zero-tolerance policy towards all bullying/harassment of people with protected characteristics.
- Ensure that any training the organisation undertakes with regards to equality covers transsexual people and the policy as well as the general equality policy.

This draft dated October 2015

Scottish Squash and Racketball Limited