

# POLICY AND PROCEDURES ON TRANSGENDER PEOPLE IN ATHLETICS COMPETITIONS

UKA/Document Name/version	UKA/W32/3
Policy owner	David Brown CBE Lead Welfare and Compliance Officer
Applicable to	External
Approving body	Board committee
Date approved by approving body	18/12/2018
Next review date	14/12/2020

UKA's approach to the Policy and Procedures on Transgender People in Athletics Competitions is characterised by an ethos of vigilance and of respect for UKAs integrity and control processes. The values of UKA are:

- We operate with **integrity**.
- **Communication** is timely and relevant to our specific stakeholders.
- We deliver **quality** performance through innovation and continual improvement.
- **Respect** is shown to everyone we deal with.
- We all have **accountability**.

UK Athletics has adopted this policy and procedures for two reasons: firstly, in order to ensure equal and fair competition in all disciplines of athletics; and secondly, to ensure the safety at all times of all competitors.

## BACKGROUND INFORMATION

### POLICY REQUIREMENT: Why does the policy exist? (Select one)

Legal requirement	<input checked="" type="checkbox"/>	<i>Enter relevant legislation:</i> Equality Act 2010
Code of Sports Governance requirement	<input checked="" type="checkbox"/>	
Self-assessment requirement	<input checked="" type="checkbox"/>	
Best practice	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<i>Please state:</i> Click or tap here to enter text.

Document Purpose	To provide guidance on a sensitive issue		
Target Audience	LGBT community		
Equality Impact Assessment (EIA) done?	Yes		
Name of Lead Officer undertaking EIA	Ralph Knibbs		

### HAVE APPROPRIATE INTERNAL STAKEHOLDERS BEEN CONSULTED? (Select all that apply)

Consultees	Yes	No	N/A
Human Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health & Safety	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operations Management Group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Performance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TV Events	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
UKA Colleague Action Group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

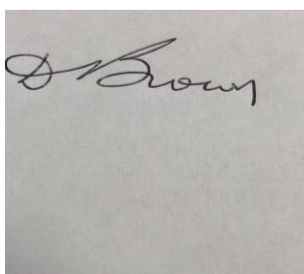
### APPROVAL PATHWAY FOR THE POLICY?

(Select all that apply e.g. if it is a requirement that a policy is approved by both SLT and then Board both the SLT and Board boxes should be selected).

Approving body	Yes	
Board	<input type="checkbox"/>	
Board committee	<input checked="" type="checkbox"/>	<i>Enter committee name:</i> HR Remuneration Committee
Senior Leadership Team (SLT)	<input checked="" type="checkbox"/>	
Operations Management Team	<input type="checkbox"/>	
Performance	<input type="checkbox"/>	
TV events	<input type="checkbox"/>	

### DOCUMENT REVISION: CONFIRMATION BY POLICY OWNER

I confirm that I have reviewed this document and:	Select as appropriate:
a) No changes are required.	<input type="checkbox"/>
b) Some minor editorial changes were required. These do not change the substance of the document.	<input checked="" type="checkbox"/>
c) There are material changes that are summarised in the document history table at the front of the revised document.	<input type="checkbox"/>



Signed:  
 Name: David Brown  
 Title: Lead Welfare and Compliance Officer  
 Date: 04/12/2018

# Equality Impact Assessment

## Section A

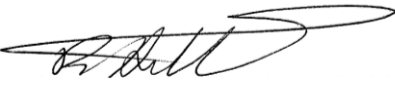
<b>Date of screening</b>	04/12/2018
<b>Name of person and job title of the person screening</b>	Ralph Knibbs (Head of HR and Welfare)
<b>What is being screened?</b>	Policy and Procedures on Transgender People in Athletics Competitions

	Yes	No	Notes
<b>Is this a decision being taken to the Board?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HR Remuneration Committee
<b>Is this a document that provides guidance for members of staff?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.

If the answer to any of these is yes, please go to Section B. If the answer is no, you do not require to complete an EQIA.

## Section B

	Yes	No	Notes
<b>Does the decision or policy impact disproportionately on gender and does the policy resolve this? (This can include pregnancy/maternity and marriage/civil partnerships?)</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Does the decision or policy impact disproportionately on different age groups?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Does the decision or policy impact disproportionately on people from different ethnic groups?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Does the decision or policy impact disproportionately on disabled people?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Does the decision or policy impact disproportionately on people from different religions, faiths or beliefs?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Does the decision or policy impact disproportionately on people from different sexual orientations?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Does the decision or policy impact disproportionately on transgendered people?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Does this decision or policy potentially affect the health and safety of members of staff or other parties?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.
<b>Any other changes to the policy required?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Click or tap here to enter text.

Signed:   
 Name: Ralph Knibbs  
 Date: 04/12/2018

## DOCUMENT HISTORY

Revision Number	Date	Amendments
Version 1	2014	Original policy document approved by the UKA Board
Version 2	2016	Reviewed with no substantial changes made
Version 3	04/12/2018	Updated with relevant terminology following advice from Stonewall an organisation with recognised expertise in this area.
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# POLICY AND PROCEDURES ON TRANSGENDER PEOPLE IN ATHLETICS COMPETITIONS

## 1. INTRODUCTION

UK Athletics is responsible for regulating within its jurisdiction the participation of persons as competitors in all disciplines of athletics within the United Kingdom.

Athletics in all its forms is a gender-affected sport as defined by legislation, in that the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage to average persons of the other sex as competitors in an event of any discipline within athletics.

Accordingly, UK Athletics has adopted this Policy for two reasons: firstly, in order to ensure equal and fair competition in all disciplines of athletics; and secondly, to ensure the safety at all times of all competitors.

This policy uses a number of terms associated with transgender people and athletics. We recognize that there are considerable differences in those that are used, and we have adopted the following terms.

### **Trans**

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, included (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, two-spirit, bigender, trans man, trans woman, trans masculine, trans feminine and neutrois.<sup>1</sup>

### **Gender reassignment**

Gender reassignment is another way of describing a person's transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010, and it is further interpreted in the Equality Act 2010 approved code of practice.<sup>1</sup>

### **Transgender man**

A term used to describe someone who is assigned female at birth but identifies and lives as a man. This may be shortened to trans man or FTM, an abbreviation for female-to-male.<sup>1</sup>

### **Transgender woman**

A term used to describe someone who is assigned male at birth but identifies and lives as a woman. This may be shortened to trans woman, or MTF, an abbreviation for male-to-female.<sup>1</sup>

### **Transitioning**

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.<sup>1</sup>

### **Affirmed gender**

We use the term 'affirmed' or 'acquired gender' to describe the gender that the person has transitioned/is transitioning to as opposed to that which was assigned at birth.

## 2. SCOPE

UKA is the National Governing Body for the sport of athletics in the United Kingdom. Therefore, this policy and procedures relate solely to activity within this territory. UKA is responsible for setting standards and values to apply throughout athletics at every level in the UK. It is the responsibility of UKA to apply the rules of athletics and regulate participation of persons as competitors in athletics matches to ensure that it provides fair competition and has due regard for the safety of all competitors. It permits a range of competitions to suit the needs of all athletes. UKA would expect athletes to compete at an appropriate level.

This policy covers competitions sanctioned by the UKA Board; it includes competition managed and organised by its members, Home Country, County 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 transgender athletes to represent Great Britain & Northern Ireland 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.

UKA's Policy and Procedures on Transgender People in Athletics Competitions apply to all individuals involved, whether paid or in a voluntary capacity. Everyone in athletics has a responsibility to ensure that transgender people are treated with dignity and respect and that they are treated fairly.

## 3. GUIDANCE AND LEGISLATION

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

- Equality Act 2010.
- IAAF guidance based on IOC statement on Sex Reassignment 2016.
- Data Protection Act 1998 and General Data Protection Regulations 2018.
- Gender Recognition Act 2004.

<sup>1</sup> Stonewall Glossary of terms

#### 4. POLICY AND PROCEDURES

UKA policy on transgender people competing in domestic athletics competitions is as follows:

Any trans man who has transitioned or is transitioning may compete in his affirmed gender in any male or mixed sex domestic competition.

Any trans woman over the age of 16 years who has transitioned or is transitioning 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 level within the range of her affirmed gender or that she has had a gonadectomy or she may compete in any male or mixed-sex competition if she has not started hormone treatment.

Any trans girl (under 16 and post puberty) who has transitioned or is transitioning may compete in her affirmed gender in any female or mixed-sex domestic competition subject to an individual case by case review, undertaken by UKA or she may compete in any male or mixed-sex competition if she has not started hormone treatment nor had a gonadectomy.

Any trans girl (pre-puberty) who has transitioned or is transitioning may compete in her affirmed gender in any female or mixed-sex competition subject to confirmation of her stage of pubertal development. This is summarised in the below table:

Non-contact sport	
Affirmed gender	Domestic competition run under the auspices of UKA and in accordance with its regulations and Policies.
Any trans male (female-to-male transsexual person)	May compete in his affirmed gender in any male or mixed - sex domestic competition.
Trans woman – over 16 and post-puberty (male-to-female transsexual 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. Or She may compete in any male or mixed-sex competition if she has not started hormone treatment.
Trans girl – under 16 and post-puberty	Either She may compete in her affirmed gender in any female or mixed-sex domestic competition subject to an individual case-by-case review, undertaken by UKA. Or She may compete in any male or mixed-sex competition if she has not started hormone treatment nor had a gonadectomy.
Trans 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.

#### 5. UKA PROCEDURE TO DETERMINE ELIGIBILITY FOR TRANSGENDER PEOPLE TO TAKE PART IN DOMESTIC ATHLETICS COMPETITIONS

##### 5.1 For all trans women

All enquiries must be passed to UK Athletics Lead Welfare and Compliance Officer.

Notification by an athlete to UKA under these procedures shall include providing UKA with details of the following information at a minimum:

- i. evidence of affirmed gender under applicable law (e.g., Birth Certificate or Gender Recognition Certificate);
- ii. details of any medical gender reassignment treatment, including surgery, hormone therapy and ongoing treatment;
- iii. details of any post re-assignment treatment (name of treatment, dosage and periodicity); and
- iv. details of any post-reassignment monitoring of treatment.

All documentation revealing information about a person's past or present gender identity status will be managed in accordance with UKA's policies with regards to the management of sensitive and confidential information and in line with the Data Protection Act 1998, General Data Protection Regulations 2018 and where relevant the Gender Recognition Act 2004.

Anyone involved must understand the confidentiality obligations that are associated with handling such a matter.

UKA will undertake all communication with the individual concerned only sharing information with the Home Countries and/or the league or club on a 'needs-led' basis allowing them to manage athlete registration.

In order to determine compliance with this policy UKA's Welfare and Compliance Manager, a UKA Board member and a medical representative appointed by UKA will consider the evidence on a case-by case basis.

A trans woman or trans girl shall not be entitled to compete 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 UKA's satisfaction.

##### 5.2 For trans women over the age of 16

The trans woman (and her legal guardian if under 18) will be asked to permit their GP and/or consultant to disclose sufficient information to UKA (including such other information, records or other material as UKA may require from time to time) to allow it to ascertain that hormone therapy has been administered in a verifiable manner and that this has minimised any gender-related advantages in athletics 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.

### **5.3 For trans girls (under 16 and post puberty)**

The trans girl and her legal guardian will be asked to permit UKA to undertake an individual case-by-case review. This will involve a review meeting with the trans girl, her advocate (e.g. parent, social worker), a representative from a LGBT+ young people's group such as Gendered Intelligence (a not-for-profit Community Interest Company, they specialise in supporting young trans people under the age of 21). 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.

### **5.4 For trans girls pre-puberty**

The trans girl and her legal guardian will be asked to permit their GP and/or Consultant to disclose sufficient information to UKA (including such other information, records or other material as UKA 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.

## **6. INTERNATIONAL COMPETITION**

The International Association of Athletics Federations (IAAF) has a regulation concerning women's competitions – IAAF regulations governing eligibility of athletes who have undergone sex reassignment to compete in women's competition May 1<sup>st</sup> 2011. It is based on the IOC statement on sex reassignment.<sup>2</sup>

An application submitted to and approved by the IAAF would be accepted by UK Athletics and would not require further approval.

From November 2018 the IAAF introduced new Regulations that are applicable to any athlete who has a Difference of Sexual Development (DSD). The IAAF has agreed not to enforce the Regulations against any athlete unless and until they are upheld by the Court of Arbitration for Sport, a decision is expected on or before 26<sup>th</sup> March 2019.

The full Regulation can be found in the IAAF Rules or on their website. For the avoidance of doubt this Regulation does not relate to competition held under UKA rules.

All enquiries regarding participation in International Competition by a transgender competitor may be passed to UK Athletics Lead Welfare and Compliance Officer who will assist in the application to the IAAF for clearance.

## **7. ACKNOWLEDGEMENTS**

UKA wishes to thank English Hockey, Sport England, Stonewall and Lucy Faulkner Ltd for their work and support on this policy.

## **8. LEAD WELFARE AND COMPLIANCE OFFICER CONTACT DETAILS**

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Telephone Number: 0121 713 8450 (Option 2).

<sup>2</sup> The phrase 'sex reassignment' used by the IOC has the same meaning as 'gender reassignment' used in the UK.