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BADMINTON ENGLAND POLICY FOR TRANSGENDER BADMINTON PLAYERS

1. Introduction

- 1.1 Badminton England is committed to ensuring that there is open access to all those who wish to participate in badminton and that they are treated fairly. We are also committed to confronting and eliminating discrimination by reason of any protected characteristic - age, disability, ethnicity, gender reassignment, marriage or civil partnership, pregnancy, maternity or breastfeeding status, religion or belief, sex or sexual orientation.
- 1.2 Under current English legislation, badminton, as a gender-affected sport, may be regulated by Badminton England in respect of the participation of a transgender person.
- 1.3 Badminton England's aim is to try, as far as is possible, to permit transgender people to play badminton in their acquired gender while balancing this with our role in providing fair play and competition and protecting the integrity of the women's, men's and mixed doubles competitions.
- 1.4 In addition to those wishing to compete, we also recognise we have a responsibility to protect those who may be staff or spectators, and who may be trans people, or perceived to be so, or associated with trans people, such as family members. However, this particular policy focusses only on players, or potential players, in badminton competitions.

2. Scope

- 2.1 Badminton England is the National Governing Body for the sport of badminton in England; therefore this policy relates to players in England and / or those whom are members of Badminton England. Badminton England is responsible for setting standards and values to apply throughout badminton at every level in England. It is the responsibility of Badminton England to apply the rules of badminton and regulate participation of persons as competitors in badminton matches to ensure that it provides fair competition and has due regard for the safety of all competitors. We organise and sanction a range of competitions to suit the needs of all players.
- 2.2 The policy covers competitions run under Badminton England's auspices and run in accordance with our regulations and policies. It includes competitions managed and organised

by our members, County Badminton Associations, and Badminton England affiliated clubs, referred to in full or as domestic badminton competitions.

- 2.3 The policy also covers the eligibility and selection of transgender players seeking eligibility to represent England in international competitions or be entered into international competitions by Badminton England, referred to in full or as international badminton competitions.
- 2.4 For the avoidance of doubt, the word competition is defined as activity where the result (winning and losing) has a meaningful outcome.
- 2.5 Badminton England's Policy for transgender badminton players applies to all individuals involved, whether paid or in a voluntary capacity. Everyone in badminton has a responsibility to ensure that transgender people are treated with dignity and respect and that they are treated fairly.

3. Guidance and Legislation

- 3.1 The practices and procedures within this policy and documentation are based on the principles contained within UK legislation and IOC guidance and take the following into consideration:
 - IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015.
 - Equality Act 2010.
 - Data Protection Act 1998.
 - General Data Protection Regulation 2018
 - Gender Recognition Act 2004.

4. Preferred Terminology

This policy and procedures document uses a number of terms associated with transgender people and badminton. For clarity, we have adopted the following terms:

- 4.1 **Transgender person**

We use the term transgender to describe those people who, as defined by the Equality Act 2010, share the protected characteristic of gender reassignment and are described as transsexual people under the legislation. We use the term transgender male or man to describe a female-to-male transsexual person and transgender female or woman to describe a male-to-female transsexual person.

We do not include intersex people, androgyne and polygender people, cross-dressing and transvestite people under these terms and we do not include sexual orientation in this term.
- 4.2 **Gender reassignment**

Gender reassignment is one of 9 protected characteristics defined in the Equality Act 2010 and is the process of transitioning from one sex 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 sex. The reassignment of a person's gender may include undergoing medical gender reassignment treatments. However, it is not necessary for somebody to have undergone medical treatment in order to have the characteristic of gender reassignment and therefore be protected by the law. Gender

reassignment is a personal process (that is, moving away from one's birth sex to the preferred gender), rather than a medical process, and each transgender person has a completely different journey.

4.3 Acquired gender
Acquired gender describes the gender that the person has transitioned to as opposed to that which is assigned at birth, their 'birth gender'.

4.4 We would expect everyone in badminton to use the following preferred terms.

Preferred terms	Avoid
<ul style="list-style-type: none">• trans• trans person• transgender, transgendered person• trans man, boy or male• trans woman, girl or female• he, she, him, his, hers	<ul style="list-style-type: none">• she-he• he-she• tranny

5. Policy and Procedures - Domestic Competitions

5.1 Badminton is a non-contact sport and Badminton England sanctions men's, mixed and women's badminton competitions; as such there are no safety concerns for any transgender male or female wishing to take part in sanctioned badminton competitions, in training or friendly/recreational badminton. Accordingly, you should accept people in the gender they present and verification of their identity should be no more than that expected of any other player.

5.2 We recognise, however, that there may be some concerns about fairness in the women's and mixed game. Our policy assumes that transgender women (male-to-female trans person) wishing to compete in mixed or female sanctioned badminton competitions do so with the best of intentions and with no intent to deceive about their status to gain any competitive advantage.

5.3 Should someone have a genuine reason to believe that there may be some deception to gain a competitive advantage in the mixed or women's game or that there are genuine and substantive concerns about the transgender woman's physical strength, stamina or physique that may put other female competitors at risk, they should refer their concerns to the Badminton England Ethics and Compliance Manager.

6. Transgender players seeking to represent England in international competitions or be entered by Badminton England in international competitions

6.1 Players in the performance pathway are there to train and challenge for a position in the national squad. Transgender players seeking to represent England in badminton in any Badminton World Federation (BWF) sanctioned competition will need to be compliant with BWF / IOC policy. This applies from the Badminton England Senior National Championships level. The BWF adopts the International Olympic Committee (IOC) guidance 2015.

- 6.2 We recognise that, for some people, the process of gender reassignment may start before joining the performance pathway or during it; we will work with each transgender person on a case-by-case basis to ensure that they know about the implication of the international policy and are supported in their gender reassignment process.
- 6.3 The IOC¹ has the following guidelines to be considered by sports organisations when determining eligibility to compete in male and female competition:
- 6.3.1 Those who transition from female to male are eligible to compete in the male category without restriction.
- 6.3.2 Those who transition from male to female are eligible to compete in the female category under the following conditions:
- The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - 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).
 - 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.
 - 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
- 6.4 This is summarised as follows:

Affirmed gender	Domestic competition	International competition
Any transgender male	May compete in any male, domestic badminton competition run under the auspices of Badminton England and run in accordance with their regulations and policies	May represent England in international competition or be entered by Badminton England in international competition if he is compliant with IOC policy
Any transgender woman	May compete in female, domestic badminton competition run under the auspices of Badminton England and run in accordance with their regulations and policies.	May represent England in international competition or be entered by Badminton England in international competition if she is compliant with IOC policy

¹ IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015

7. Badminton England's procedure to determine eligibility for transgender people to represent England in international competitions or be entered into international competitions by Badminton England

- All enquiries must be passed to Badminton England's Ethics & Compliance Manager.
- All documentation revealing information about a person's past or present gender reassignment status must be managed in accordance with Badminton England'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.
- Badminton England will undertake all communication with the individual concerned only sharing information with international competition organisers in order to verify the status of the transgender person.
- The transgender female (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 Badminton England (including such other information, records or other material as Badminton England may require from time to time) to allow it to ascertain that the conditions that have been set by the IOC have been met.
- In order to determine compliance with this policy Badminton England's Ethics & Compliance Manager, Chief Executive and a medical representative appointed by Badminton England will consider the evidence on a case-by case basis.

8. Changing personal details for international competition purposes

- 8.1 Transgender players seeking to represent England in badminton in any BWF sanctioned competition will need to be compliant with the BWF policy.
- 8.2 If the change is of a sensitive and confidential nature e.g. a sex change, then the change request will be handled by Badminton England's Ethics and Compliance Manager.
- 8.3 Where changes are requested that do not have any significant impact on a player's status in competition then these are made without any proof of the change. For example, a change of name – no evidence of proof is asked of people for a change of name e.g. following marriage; accordingly, a request for a change of name for a trans person can be made in the same way.
- 8.4 Where changes have a significant impact on a player's status in competition, for example a change of sex for international competition, that change will need to be backed up by proof.
- 8.5 Change of sex – as this is a change that will have a significant impact on a player's status, it can only be made if there is proof of the change. Proof of a change of sex could be any of the following:
 - Birth certificate, Passport or Driving Licence indicating relevant sex; a Deed Poll or a Statutory Declaration (before a solicitor or magistrate in court), or a doctor's letter may also be used.
 - If none of the above are available, and, as the transgender person will be known to Badminton England, then an alternative of a written, signed statement from the transgender

person to indicate that they intend to live in their acquired gender from then on can be accepted; this can be endorsed by a member of the club e.g. club secretary if possible.

- Please note that some transgender people will go through the process of obtaining a Gender Recognition Certificate. This allows transgender people born in the UK to automatically receive a new birth certificate and provides enhanced legal protection over the disclosure of their previous gender status. A GRC indicates that the person has already lived in the affirmed gender role, for at least two years and intends to continue doing so. It would be **wholly inappropriate** for anyone to request or require a person to provide a GRC as this is a breach of the person's privacy and may be harassment.

9. Roles and Responsibilities

9.1 All those involved in badminton at any level should:

- Treat the transgender person with dignity and respect.
- Respect the private and confidential nature of the person's situation.
- Welcome the player just as you would any other new attendee or member
- Accept them in the gender they present; verification of their identity should be no more than expected of any other player.
- If asked, explain that there are no restrictions on playing in domestic badminton competitions or participating in training or informal matches.
- Take your lead from the person, ask their name and use it.
- Agree with the transgender person how information is to be shared with others if this is absolutely necessary; this may include a change of name and title and this should be accommodated
- Support the transgender person with their choice of changing facilities where possible – not every facility has private cubicles
- Ensure that any training the organisation undertakes with regards to equality covers transgender people and the policy as well as the general Badminton England equality & diversity policy.
- Avoid making assumptions about the player, either in terms of their sexual orientation or their medical background, take your lead from the information they may, or may not, offer you.
- Be clear about what language you use, the transgender player should be referred to as the sex that they tell you are, i.e. use 'he' or 'she' as you would with anyone else.
- Ensure a Code of Conduct is publicised indicating your zero-tolerance policy towards all bullying/harassment of people with protected characteristics.
- Take prompt and decisive action against anyone in the organisation whose behaviour or language is inappropriate or offensive to or about transgender people. Use your disciplinary procedures to manage this.

10. Availability of this policy in other formats and languages

If you need a copy of this policy in a different language or format please contact the safeguarding team at Badminton England: safeguarding@badmintonengland.co.uk

11. Acknowledgements

Adapted from the original document (2012) by Lucy Faulkner, additional information and support from England Hockey and Sport England (2018).