

BADMINTON England

Guidance on BADMINTON England's policy on transsexual people playing in badminton competitions

Introduction

BADMINTON England has produced this guide to assist transsexual people and badminton organisations to understand and implement our policy about transsexual people playing in badminton competitions. It is effective from 30 May 2012.

It includes:

- Why a policy is needed.
- Who and what is covered by the policy.
- Definitions with regards to transsexual people.
- BADMINTON England's procedure to determine eligibility of transsexual people to play their affirmed gender.
- Guidance for transsexual people and for local badminton organisations.

Why a policy is needed

BADMINTON England's role is to:

- Promote and encourage the game of badminton; and to further the growth and development of the game of badminton.
- Make and enforce Regulations within England, and to formulate and issue guidelines concerning all forms and aspects of the game of badminton within the aforesaid Regulations.
- Protect the interests of the game of badminton.

BADMINTON England's regulatory framework works to provide a fair and accessible sport for all across the country. Part of this framework is about regulating participants in competitions run under the auspices of BADMINTON England and run in accordance with its regulations and policies in order to provide fair competition.

UK law allows BADMINTON England to run separate male and female competitions as it is a gender-affected sport. This means that the average woman would always be at a disadvantage when competing against men as the average man is always stronger, faster and bigger.

The only exception to separate male and female competition is that BADMINTON England sanction mixed doubles competitions where a male and a female on each team maintains a balance of physical strength, stamina and physique in each pair.

BADMINTON England's obligation, under English law, is to minimise any possible negative effects on transsexual people of only sanctioning male, female and mixed doubles competitions.

BADMINTON England recognise that people may have concerns about an unfair advantage especially with regards to transsexual women (men who have transitioned to become women) and are confident that this policy addresses this issue by recognising the impact that hormonal treatment can have on a person.

BADMINTON England also knows that some people running badminton organisations and competitions may have additional concerns about managing the situation locally. To ensure people are informed and have a list of what action they may need to take BADMINTON England has produced good practice guidance for transsexual people and badminton organisations, which can be found at the end of the document.

At all times BADMINTON England is seeking to uphold its commitment to open access to all those who wish to participate and balance it with the role BADMINTON England have to play in providing fair competition.

Accordingly BADMINTON England has developed a policy that addresses:

- The needs and wishes of transsexual people to play in their affirmed gender wherever possible.
- Concerns from people involved in organising badminton competitions or players in badminton competitions about any perceived, or real, unfair advantage.

Understanding the terms that are used

This guidance uses a number of terms associated with transgender people as well as sport. 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, androgynous and polygender people, cross-dressing and transvestite people.

Gender reassignment

Gender reassignment is one of a number of protected characteristics defined in the Equality Act 2010 and is the process of transitioning from one sex to another. This legislation (as well as the equality legislation in Northern Ireland) 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.

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, or transvestite people, nor is it the same as sexual orientation. Although it is often associated with medical treatment, this is not a requirement to be protected by the law.

For clarity in this document and in its policy, BADMINTON England use transsexual man / male and transsexual woman / female; however, in general, BADMINTON England would expect everyone in badminton to use man / male or woman / female to describe people who have transitioned permanently.

Affirmed gender

We use the term 'affirmed gender' to describe the gender that the person has transitioned to as opposed to that which is assigned at birth – their 'birth gender'.

Who and what is covered by the policy

- All transsexual people are covered by the policy.
- The policy is relevant to any competition run under the auspices of BADMINTON England and run in accordance with its regulations and policies. It includes competitions managed and organised by its members, County Badminton Associations, and BADMINTON England affiliated clubs, referred to as domestic competitions in this guidance.
- For the avoidance of doubt, the word competition is defined as activity where the result (winning or losing) has a meaningful outcome.
- It does not cover training or friendly matches or informal play in which any transsexual people can participate fully without any restrictions.

BADMINTON England’s policy on transsexual people playing in badminton competitions

Our policy is to permit transsexual people to play in badminton competitions in their affirmed gender under certain conditions and this is summarised as follows.

Affirmed gender	Domestic competition
Any transsexual 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
Transsexual woman – over 16	May compete in female, domestic badminton competitions run under the auspices of BADMINTON England and run in accordance with their regulations and policies by providing evidence that her hormone therapy has brought her blood-measured testosterone levels within the range of her affirmed gender Or if she has not started hormone treatment she can play in any male domestic competition
Transsexual girl – under 16 and after puberty	May compete in any female, domestic badminton competition run under the auspices of BADMINTON England and run in accordance with their regulations and policies subject to an individual case-by-case review, if required, undertaken by BADMINTON England Or if she has not started hormone treatment she can play in any male domestic competition
Transsexual girl – before puberty	May compete in any female, domestic badminton competition run under the auspices of BADMINTON England and run in accordance with their regulations and policies subject to confirmation of her stage of pubertal development.

There are slightly different criteria for transsexual people seeking eligibility to represent England in international competitions or to be entered by BADMINTON England into international competitions and these are determined by the International Olympic Committee (IOC) as follows:

- *Any individuals undergoing sex reassignment of male to female before puberty should be regarded as girls and women (female). This also applies to individuals undergoing female to male reassignment, who should be regarded as boys and men (male).*
- *Any individuals undergoing 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:*
 - *Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy two years prior to seeking to play; and*
 - *Legal recognition of their assigned sex has been conferred by the appropriate official authorities; and*
 - *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.*

BADMINTON England’s procedure to determine eligibility of transsexual people to play in badminton competitions in their affirmed gender

BADMINTON England have a set of procedures that it applies to any transsexual person seeking eligibility to play in badminton competitions in their affirmed gender and these are summarised as follows:

- All enquiries must be passed to BADMINTON England’s Ethics and Compliance Manager.
- The transsexual person (and their legal guardian if under 18) will be asked to permit their GP and/or consultant 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 for participation have been met to its satisfaction.

- All documentation revealing information about a person's past or present gender reassignment status will 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 the County Badminton Association, club and/or the league on a 'needs-led' basis allowing them to manage player registration; or international competition organisers in order to allow them to verify the status of the transsexual person.
- In order to determine compliance with this policy BADMINTON England's Ethics and Compliance Manager, the Chief Executive and a medical representative appointed by BADMINTON England will consider the evidence on a case-by case basis; individual review meetings may also be held with the transsexual person and their advocate.
- A transsexual person shall not be entitled to play in domestic competitions in their affirmed gender until such time as they have provided evidence that the criteria set out by BADMINTON England have been met to its satisfaction.

Guidance for transsexual people and badminton

BADMINTON England is committed to ensuring that there is open access to all those who wish to participate in the sport and that they are treated fairly. It is 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.

Under current UK legislation, badminton, as a gender-affected sport, may be regulated by BADMINTON England in respect of the participation of a transsexual person.

If you are a transsexual man or boy then there is no reason for you not to participate fully, i.e. train, play in friendly matches or play in badminton competitions, as a male in England. Verification of your gender identity should be no more than that expected of any other male player. The only restriction is that for international competition you would have to have undergone gender confirmation surgery at least two years before seeking to play internationally, your blood-tested sex hormone levels must be no higher than the typical range in men and you must have legal recognition of your affirmed gender.

If you are a transsexual woman or girl a transsexual person undergoing gender reassignment or thinking about it you should speak to the club secretary, or another senior club officer. If you only want to participate in training, friendly games or informal matches it would not be necessary to provide any particular information about your gender status. It is only if you wish to compete in badminton competitions, where winning or losing has a meaningful outcome, that it might be necessary to ensure that you do not present an unfair advantage over opposing players. The information required will vary from transsexual female to transsexual female and depending on whether you want to play in England or in international competitions.

BADMINTON England will undertake any communication with you and your GP or/Consultant in order to determine that your stage of pubertal development or that your blood-tested sex hormone levels are in the female range. This is used to determine that your general strength and overall stamina is similar to female levels. All the information is considered on a case-by-case basis and in a very few cases BADMINTON England may need to meet with the transsexual girl and someone close to them such as their legal guardian (if under 18) or an advocate to agree a way forward.

As with transsexual males if you wish to compete in international badminton competitions then the restriction is that you would have to have undergone gender confirmation surgery at least two years previously, your blood-tested sex hormone levels must be no higher than the typical range in women and you must have legal recognition of your affirmed gender.

All affiliated members should abide by BADMINTON England's policy and associated procedures for verification.

Club officials should:

- Treat the individual with dignity and respect.
- Explain the policy and procedure and ask their view on how to proceed. Provide details of the BADMINTON England contact.
- Respect the private and confidential nature of the individual's situation.
- Agree with them how and what information is to be shared with others if this is necessary.
- Ask the individual what communal changing facilities they would prefer to use as not every changing facility will have private cubicles. This will depend on whether the individual has transitioned or is in the process and whether they have undergone any sex 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 arrive changed and ready to play to avoid any misunderstanding should they still have the secondary sex characteristics of their former gender. In line with good safeguarding practice BADMINTON England recommends that adults (unless they are the parents) do not use the same changing facilities as children under the age of 18 unless there are separate cubicles.
- Encourage the individual to feedback any inappropriate language or behaviour from other members or spectators so that it can be dealt with.
- Ensure a Code of Conduct is publicised indicating their zero-tolerance policy towards all bullying/harassment of people with protected characteristics.

Guidance for local badminton organisations

BADMINTON England is committed to ensuring that there is open access to all those who wish to participate in the sport and that they are treated fairly. It is 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.

Under current UK legislation, badminton, as a gender-affected sport, may be regulated by BADMINTON England in respect of the participation of a transsexual person.

BADMINTON England has a clear policy with regards to transsexual people playing badminton and you should already be running your organisation in line with its policies.

A transsexual man or boy is permitted to participate fully, i.e. train, play in friendly matches or play in badminton competitions, as male. Verification of their sex should be no more than is expected of any other male player. The only restriction is that for international competition the transsexual male would have to have undergone gender confirmation surgery, have blood-tested sex hormone levels that are no higher than the typical range in men and must have legal recognition of his affirmed gender.

Transsexual females may participate in training, friendly games or informal play and it would not be necessary for anyone to know anything about a person's affirmed gender. It is only if a transsexual female wishes to compete in badminton competitions where winning or losing has a meaningful outcome might it be necessary to ensure that there is no unfair advantage over opposing players. At this point the BADMINTON England procedures should be followed and its Ethics & Compliance Officer contacted.

The use of changing and toilet facilities prior, to and during gender reassignment where the individual may present an ambiguous appearance and be highly self-conscious represents a difficult issue. Many transsexual people prefer to refrain from using communal sports facilities during this time, particularly facilities where privacy is likely to be an issue. In addition there may be transsexual people who do not undergo sex reassignment surgery and will continue to present with secondary sex characteristics in their former gender. In line with good safeguarding practice it is recommended that adults (unless they are the parents) do not use the same changing facilities as children under the age of 18 unless there are separate cubicles. If this cannot be avoided due to the nature of the facility it is recommended that all adults come ready changed for their badminton activity.

Complaints from other users must be handled carefully. It may be that other users find it uncomfortable to share facilities with transsexual people but it is the duty of club officials to ensure that confidentiality is not compromised and that members are not subjected to abuse, whether physical or verbal, on any ground. However other users' or members' discomfort must not be ignored and they too should be treated with dignity, should their discomfort continue they may arrive ready changed for their badminton activity. The provision of good quality facilities, an open and welcoming atmosphere and training for members may help alleviate such discomfort.

If someone tells you that they are a transsexual person, or you become aware of an individual's situation you should:

- Treat the transsexual person with dignity and respect.
- Explain the policy and procedures and ask their view on how to proceed. Explain that there are no restrictions on training or playing in 'friendly' matches.
- Respect the private and confidential nature of the person's situation.
- Agree with the transsexual person how and what information is to be shared with others if this is necessary.
- Support the transsexual person with their choice of changing facilities where possible – not every facility has private cubicles. In line with good safeguarding practice BADMINTON England recommends that adults do not use the same changing facilities as children under the age of 18 unless there are separate cubicles.
- Take prompt and decisive action against anyone in the organisation whose behaviour or language is inappropriate or offensive to or about transsexual people. Use your disciplinary procedures to manage this.
- Ensure a Code of Conduct is publicised indicating your zero-tolerance policy towards all bullying/harassment of people with protected characteristics.
- Ensure that any training the organisation undertakes with regards to equality and avoiding discrimination covers transgender people and the policy as well as the general equality policy.

Contact details

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