

**BADMINTON ENGLAND'S POLICY AND PROCEDURES ON TRANSEXUAL PEOPLE PLAYING
IN BADMINTON COMPETITIONS**

**June 2012
Updated August 2013.**

DRAFT

BADMINTON ENGLAND'S POLICY AND PROCEDURES ON TRANSEXUAL PEOPLE PLAYING IN BADMINTON COMPETITIONS

Introduction

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's aim is to try, as far as is possible, to permit transsexual people to play badminton in their affirmed gender while balancing this with its role in providing fair play and competition and protecting the integrity of the women's, men's and mixed doubles 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 transsexual people, or perceived to be so, or associated with them, such as family members. However this particular policy focusses only on players, or would-be players, in badminton competitions.

Scope

BADMINTON England is the National Governing Body for the sport of badminton in England; therefore the policy relates to this territory. The policy covers competitions run under its auspices 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 in full or as ***domestic badminton competitions***.

The policy also covers the eligibility and selection of transsexual 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***.

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

BADMINTON England's Policy and Procedures on Transsexual People Playing in Badminton Competitions applies to all individuals involved, whether paid or in a voluntary capacity. Everyone in badminton 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 UK legislation and IOC guidance and take the following into consideration.

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

Understanding the terms we use

This policy and procedures uses a number of terms associated with transgender people as well as sport. We recognise that there are considerable differences in these 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, 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 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.

Policy and Procedures

BADMINTON England's policy on transsexual people playing in domestic badminton competitions or seeking eligibility to represent England in international competitions or be entered by BADMINTON England in international competitions

- *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 badminton competition; 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 badminton competition as long as she can satisfy BADMINTON England 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 and that this is in line with any anti-doping regulations; or*
- *Any transsexual girl (under 16 and post puberty) recognised under UK law as someone undergoing, or who has undergone, gender reassignment may compete in any female, domestic badminton competition subject to an individual case-by-case review, if required, by BADMINTON England; or*
- *Any transsexual girl (pre-puberty) recognised under UK law as someone undergoing, or who has undergone, gender reassignment may compete in any female, domestic badminton competition subject to confirmation of her stage of pubertal development.*
- *Any transsexual player recognised under English law as someone undergoing, or who has undergone, gender reassignment is eligible to represent England in international competitions or be entered by BADMINTON England 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 England in international competitions or be entered into international competitions by BADMINTON England. This should be conditional on the individual presenting with legal recognition of their affirmed gender.*
 - b) *Any transsexual person recognised under UK law who has undergone gender reassignment after puberty can be eligible for selection to represent England in international competitions or be entered into international competitions by BADMINTON England 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;*
 - *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 badminton competitions.*

This is summarised as follows:

Affirmed gender	Domestic competition	International 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	May represent England in international competition or be entered by BADMINTON England in international competition if he is compliant with IOC policy
Transsexual woman – over 16	May compete in female, domestic badminton competition 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	May represent England in international competition or be entered by BADMINTON England in international competition if she is compliant with IOC policy
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	May represent England in any international competition or be entered by BADMINTON England in international competition if she is compliant with IOC policy
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.	May represent England in international competition or be entered by BADMINTON England in international competition if she is compliant with IOC policy

BADMINTON England’s procedure to determine eligibility for transsexual females to compete in female, domestic badminton competitions

For all transsexual women

- 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 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 and/or the league on a 'needs-led' basis allowing them to manage player registration.
- 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.
- A transsexual woman or girl shall not be entitled to play in female, domestic badminton competitions in their affirmed gender until such time as they have provided evidence that the criteria set out below have been met to BADMINTON England's satisfaction.

For transsexual women over the age of 16

The transsexual woman (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 hormone therapy has been administered in a verifiable manner in order to minimise gender-related advantages in badminton competitions. This will need to demonstrate that the hormone treatment will have reduced their blood-measured testosterone level to that of the affirmed gender and that this is in line with any anti-doping regulations, hormone-related treatment must be verified annually to ensure its validity;

For transsexual girls (under 16 and post puberty)

The transsexual woman and their legal guardian will be asked to permit BADMINTON England to undertake an individual case-by-case review. This will involve a review meeting with the transsexual girl, their advocate (e.g. parent, social worker, rep from a LGBT young people's group such as Intercom in the south west) and a rep from BADMINTON England. Their role will be to agree a way forward for the young person based on their individual circumstances and to manage everybody's expectations and with due consideration for fairness and safety.

For transsexual girls pre puberty

The transsexual girl and their legal guardian 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 the girls stage of pubertal development that the girl has reached. This is subject to an annual review.

BADMINTON England's procedure to determine eligibility for transsexual 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 allow it to verify the status of the transsexual person.
- The transsexual person (and their legal guardian if under the age of 18) will be asked to permit their GP and/or Consultant and the Gender Recognition Panel 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 following conditions have been met:

Either

That sex reassignment surgery is being undergone, or has been undergone, before puberty.

Or

- a) Surgical anatomical changes, including external genitalia changes and gonadectomy has been completed not less than two years previous to the application; and
 - b) Legal recognition of the affirmed gender has been conferred by the appropriate official authorities. In the UK this could be the Gender Recognition Panel. Where a Gender Recognition Certificate (GRC) is held it is a criminal offence to pass on information unless with the explicit, written permission of the person concerned; and
 - c) Hormone therapy has been administered in a verifiable manner and for a sufficient length of time to minimise any gender-related advantage in badminton competitions. Hormone therapy must be verified annually.
- 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.
 - A person shall not be entitled to represent England in international competitions or be entered by BADMINTON England into international competitions in their affirmed gender until such time as they have provided evidence that the criteria set out above have been met to BADMINTON England's satisfaction.

Roles and Responsibilities

Local badminton organisers 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 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 covers transgender people and the policy as well as the general equality policy.

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 Ethics & Compliance Team at BADMINTON England.

Acknowledgements

BADMINTON England wishes to thank UK Sport, Lucy Faulkner Ltd. and GIRES for their work and support on this policy.

August 2013.