

Non-protected

Equality impact assessment

sportscotland
the national agency for sport



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Guidance for Transgender Inclusion in Domestic Sport

Section 1 – Description of project

The focus of this equality impact assessment (EQIA) is the Guidance for Transgender Inclusion in Domestic Sport that was produced to support National Governing Bodies (NGBs) / Scottish Governing Bodies (SGBs) of sport across the UK. The guidance was a joint project of the Sports Council Equality Group (SCEG), comprising UK Sport, Sport England, **sportscotland**, Sport Wales and Sport NI.

In March 2020, SCEG commissioned an independent review of its existing guidance (2015) for the inclusion of transgender people in sport, recognising that sport at every level required more practical advice and support in this area and an updated evidence review was also needed.

Section 2 – General impacts of the project

The guidance has been updated to assist NGBs/SGBs with the creation of their own transgender participation policies which will have an impact on the opportunities for transgender people to participate in sport. The initial impact of the guidance is on NGBs/SGBs. The work NGBs/SGBs do benefits people participating in sport across the UK at all levels. Participants are effectively the customers.

This guidance will encourage and advise NGBs/SGBs to define the best options for their sport depending on their own assessment as to how gender affected the sport is and how they prioritise inclusion, fairness, and safety within their own sport. It also prompts sports to consider if it is possible to offer more than one version of their sport to achieve the different priorities.

The guidance provides options and considerations for each NGB/SGB to work through should they choose to do so. It is not mandatory for any NGB/SGB to use the guidance in the development of any transgender policy. The UK Sports Councils agree that this guidance is an opportunity for all NGBs to review their own policies around transgender inclusion which may be an opportunity to reduce discrimination, advance equality and foster good relations. We would also encourage an EQIA to be done alongside this.

Section 3 – Evidence

The guidance was developed following a significant and robust consultation process, research, and policy review by the independent consultants. They investigated the views, knowledge, and experience of

hundreds of people with a lived experience in sport. This included transgender people, those involved with grassroots through to elite competition, and for a variety of roles ranging from sports competitor, administrator, inclusion and equality officers, volunteer, coach, and sport scientist, academic or medical personnel.

The consultants undertook one-to-one interviews with 166 individuals from a variety of positions held within sport as well as equality organisations with an interest in transgender policy. In addition, two surveys were distributed to the wider UK sporting community. The intention of the first survey was to assess awareness and understanding of the existing guidance and how this may have been useful in developing policy in their sport. This included people employed and volunteering in sport across the UK. The second survey was sent to a wider audience including CEOs of the NGBs/SGBs, respondents to the first survey who indicated they wished to be involved in further research and equality partners, to obtain more in-depth responses.

In total, the consultants collected views from over 300 respondents. The respondents were a diverse group spread across more than 50 sports and representing 175 organisations. To ensure respondents were comfortable taking part and to achieve a higher response rate, all information obtained from interviews and survey responses was anonymised before being provided to SCEG.

A literature review was undertaken by the consultants looking at published scientific research relating to transgender inclusion in sport and was based largely on peer-reviewed data.

An international policy review considered over 30 international policies on transgender inclusion in sport including the International Olympic Committee (IOC), IOC compliant policies, IOC non-compliant policies, general policies, and para sports policies.

Both the literature review and international policy review are publicly available.

Information published by the UK government Equalities Office in 2018 states that no robust data on the UK trans population exists, but it is tentatively estimated that there are approximately 200,000 - 500,000 trans people in the UK. It is unknown exactly how many transgender people play sport in the UK.

Section 4 – Differential impacts and opportunities

Age: older people and children and young people	We are not aware of any published evidence which suggests older people and children and young people would be impacted differently by this guidance.
Disability	We are not aware of any published evidence which suggests that disabled people would be impacted differently by this guidance.
Gender Reassignment	This guidance has potential to have a positive impact on transgender people. NGBs/SGBs could use the guidance to develop policies to allow transgender people more opportunities to participate and compete in their sport. The first principle in the

guidance is a commitment to the inclusion of transgender people in sport and physical activity. As NGBs/SGBs increase their understanding of the barriers to trans participation through use of the guidance they may be able to take action to tackle the barriers. This could include considering the introduction of new and different models within sport to offer an alternative option to meet the needs of people across all the strands of the Equality Act.

This guidance has potential to have a negative impact on some transgender women. NGBs/SGBs could use the guidance to develop policies to allow transgender women to compete in their sport but with restrictions and limitations. The research identified that transgender women's inclusion into female sport cannot be balanced in regard to inclusion, fairness, and safety in gender-affected sport where there is meaningful competition. This is due to retained differences in strength, stamina and physique between the average woman compared with the average transgender woman or non-binary person assigned male at birth, with or without testosterone suppression. The review also concluded that competitive fairness cannot be reconciled with self-identification into the female category in gender-affected sport. Therefore, there is potential for NGBs/SGBs policies and procedures developed in light of the guidance to exclude transwomen from some competitions to ensure sporting fairness and safety for cis female competitors. This can be delivered in line with the exemptions provided by the Equality Act.

	<p>The research identified that in most sports, transgender men will be able to compete without restriction in the male (or open) category. However, those sports which include collision or combat may wish to institute safety guidance for the sake of the transgender competitor.</p> <p>SCEG is committed to reviewing the guidance as new research and evidence emerges.</p>
<p>Marriage and civil partnerships</p>	<p>We are not aware of any published evidence which suggests that this guidance would impact people differently due to their marital status.</p>
<p>Pregnancy and Maternity</p>	<p>We are not aware of any published evidence which suggests that pregnant women or women on maternity leave would be impacted differently by this guidance.</p>
<p>Race</p>	<p>During the consultation some respondents reported that the inclusion of transgender people in sport could be a barrier to participation for some people from ethnically diverse communities. Therefore, race is referenced in the guidance as a consideration for NGBs/SGBs when developing their sport-specific policies.</p> <p>SCEG recognises that people from diverse ethnic communities includes trans people and that this guidance has the potential to have a positive impact on these individuals by providing opportunities for participation and competition.</p>

Religion and Belief

During the consultation some respondents reported that the inclusion of transgender people in sport could be a barrier to participation for some people with religious beliefs. Therefore, faith is referenced in the guidance as a consideration for NGBs/SGBs when developing their sport-specific policies.

SCEG recognises that people from diverse ethnic communities includes trans people and that this guidance has the potential to have a positive impact on these individuals by providing opportunities for participation and competition.

Sex: women and Men

NGBs/SGBs could use the guidance to develop policies to allow transgender people to participate and compete in their sport. The research identified that transgender women’s inclusion into female sport cannot be balanced in regard to inclusion, fairness, and safety in gender-affected sport where there is meaningful competition. This is due to retained differences in strength, stamina and physique between the average woman compared with the average transgender woman or non-binary person assigned male at birth, with or without testosterone suppression. The review also concluded that competitive fairness cannot be reconciled with self-identification into the female category in gender-affected sport. Therefore, there is potential for NGB/SGB policies and procedures developed in light of the guidance to have a negative impact on some women competing in sport when NGBs/SGBs prioritise inclusion.

During the consultation some respondents reported that the inclusion of transwomen could lead to some females choosing not to participate in sport.

Sexual Orientation

We are not aware of any published evidence which suggests that this guidance would impact people differently due to their sexual orientation. However, we recognise that the transgender community often sits within the wider LGBTQ+ community and that because of this there could be socio/community impacts both positive and negative.

Section 5 – Stakeholder engagement

The review conducted by Carbmill Consultancy to develop the guidance investigated the views, knowledge, and experience of hundreds of people with a lived experience in sport, including transgender people, from grassroots through to elite competition, and in many roles ranging from sports competitor, administrator, inclusion and equality officers, volunteer, coach, and sport scientist, academic or medical personnel.

The review explored the background to current policies domestically and internationally and considered the latest scientific findings affecting the inclusion of transgender people in domestic sport to inform the updated guidance. Part of the process involved a number of consultations and surveys conducted by the consultants with a wide range of partners. This was done on a confidential basis and SCEG was not made aware of who engaged with the consultants.

Data was collected from over 300 respondents, and information was obtained from both interviews and surveys. The respondents were a diverse group spread across more than 54 sports and representing 175

organisations. The various consultations and surveys took place between April and October 2020 in confidence with the consultants.

Section 6 – Actions

Action	Timelines
Briefing sessions on the research and guidance with all Sports Councils board members and key internal staff prior to publication of the guidance.	March – September 2021
Training opportunities for board members and key internal staff on transgender issues.	March – September 2021
Independent advice on legal issues and appropriate use of terminology.	June – September 2021
Briefing sessions on the guidance with NGBs/SGBs and partners prior to publication of the guidance.	September 2021
Identified support package to NGBs/SGBs post publication to assist them with reviewing existing or developing new transgender participation policies.	October 2021 onwards
Learning and development opportunities for staff across all the sports councils on transgender participation in domestic competition guidance.	October 2021 onwards

Continual review of the emerging research and other policies to understand how this impacts on the guidance.	Ongoing
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Section 7 – Sign off

Assessment signed off by:	CEOs of Sports Councils
Sign off date	