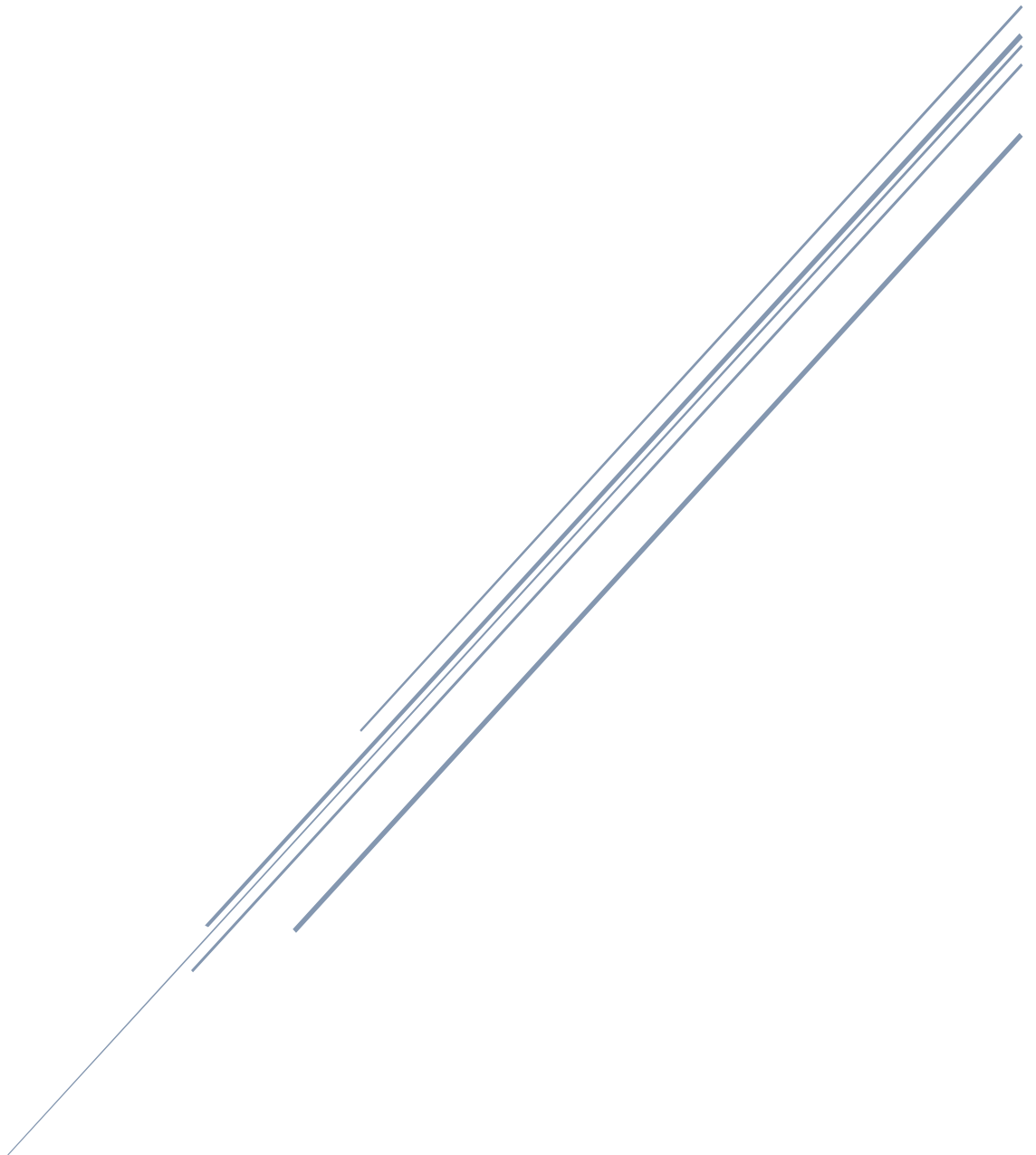


PROJECT REPORT

SCEG Project for Review and Redraft of Guidance for
Transgender Inclusion in Domestic Sport 2021



Carbmill Consulting

Contents

Introduction	1
Methodology.....	2
Interviews.....	2
Online Surveys	4
Initial Survey.....	4
Extended Survey	5
Survey Results	6
Initial Survey Findings	6
Extended Survey Findings	7
Interview Results.....	9
Interview and Survey Outcomes.....	13
The Future of Transgender Inclusion in Sport	16

Introduction

In February 2020, Carbmill Consulting were contracted to Review and Redraft the Sports Councils' Equality Group (SCEG) Transgender Inclusion in Sport Competition Guidance (ITQ 022). Amongst the brief were instructive sentences, including:

- “...we’re also fighting to get people who are less active exercising more regularly. Groups that are traditionally less active – disabled people, some ethnic groups, women and parts of the LGBT+ community – are a core focus of our work.”
- “Transgender participation in sport competition is a complicated area and needs to be explored further, but we also need to look to develop a more nuanced approach to inclusion across the sector, which this guidance will aim to do.”
- “This is a sensitive and politically high-profile area at the moment and the awardee will need to ensure that they are listening to the views of everyone potentially involved and affected by this area of work.”

Based upon the ITQ document and the subsequent selection process, it was obvious that a solutions’ focused approach was required, and one which would allow partners to develop policy in sport for the decades to come.

It was also apparent from the outset of this assignment that there would be no simple answers in a complex field where individuals have strongly held opinions, and often seem reluctant to enter a meaningful dialogue. The project was entered into in the good faith aspiration of providing a way forward for everyone in sport.

Leading up to and during 2020, several high-profile local and international events took place which impacted and contextualised this project:

- Gender Recognition Act 2004 Review Process
- Judicial Review of Medical Services (Tavistock and Portman NHS Foundation Trust)
- Work-place legal cases
- Social commentary relating to high-profile individuals outside of sport (arts, media and academia)
- Activism relating to the broader LGBT+ community
- Increasingly broad scope of the transgender community, and affirmative inclusion within social structures around the world
- Several high-profile cases of transgender women competing in international sport
- Cancellation of much of the sporting calendar in mid-2020 due to the Covid pandemic
- Postponement of the Tokyo 2020 Olympics until 2021

The discussions around transgender involvement in sport are clearly taking place within a wider social debate regarding the support of transgender individuals in many aspects of life. Against this backdrop and on the direction of SCEG, we sought to engage with as broad a range of stakeholders as possible to inform the Guidance and create a way forward.

Methodology

While we use the term transgender throughout this research, we also acknowledge that others adopt different terminology. While the descriptor ‘transsexual’ is used in legislation, there is now the concept of a ‘trans umbrella’ in which a wide group of people are considered ‘gender non-conforming’ and for whom terminology is varied and may change. Further, there is the concept of having a ‘sex assigned at birth’ and sex-based terminology for those who do not identify as transgender. For the purposes of clarity and simplicity we use the terms transgender (people), transgender woman, transgender man, non-binary, gender-fluid, and male and female throughout this review.

The use of the term ‘BAME’ for Black and Ethnic Minority people was appropriate to the time of the project and should be considered equivalent to the term EDC, for Ethnically Diverse Communities.

This report is faithful to the words and reports of those who contributed their expertise, opinions and experience. By the very nature of this issue, some people will find the report provocative, and relevantly it is clear that different people will find different aspects challenging. It is the intention of the report to allow an opportunity for the Sports Councils to understand the breadth and depth of responses of those both within and outside sport.

Interviews

As part of the assignment for SCEG, between April and October 2020, one-to-one interviews were undertaken with 166 individuals around the topic of “Review and Redraft of SCEG Transgender Inclusion in Sport Competition Guidance”. All interviewees were guaranteed anonymity. Twelve of these people were either board members of the Sports Councils or senior employees.

Of the interview group, approximately 60% (98 individuals) had a minimum of 20 years involvement in organised sport, both recreational and high performance, and their roles variously covered: athlete (many retired), coach, sports physician, medical specialist, sports scientist, university

lecturer, PE teacher, administrator, board member, inclusion officer, volunteer, official, family member/partner, politician, lawyer, barrister and journalist. Many individuals had fulfilled two or more of these roles and nearly all had an extensive lived experience in sport. It is worth noting that when the authors described the theme and topic of the proposed interview, approximately 10% of those approached declined the invitation, variously saying that the topic was “too toxic” or not wanting to “put their head above the parapet”. Several individuals did not respond to emails or did not follow up for subsequent appointments. Some were senior people within British sport or held advocacy roles for transgender inclusion.

A wide range of information was sought from different sports and different jurisdictions but approximately 90% of the respondents were British or had worked in the UK, or had strong Commonwealth links, irrespective of where they currently lived or worked.

The respondents resided in the following 27 countries: UK (England, Northern Ireland, Scotland, Wales) Ireland, Belgium, Holland, France, Sweden, Norway, Hong Kong, China, India, Indonesia, Oman, Qatar, Canada, Colombia, Chile, USA, United Arab Emirates, South Africa, Malaysia, Singapore, Vietnam, New Zealand and Australia. Many of these individuals have worked in more than one jurisdiction. They variously work in grassroots to elite sport, amateur or professional clubs, regional or national sports institutes, national teams, national sporting associations, national doping agencies, national Olympic committees, international sporting federations, universities, legal firms, hospitals and medical practices, broadcast media, newspapers and parliaments.

The wide range of international exposure was intended to learn if, how and when other nations were addressing transgender inclusion in sport. It was hoped that some experiences from overseas might provide options for the current project.

A further 23% of the interviewees (38 individuals) came from associated agencies, charities, funded partners and advocacy groups which were identified by SCEG. The data from the interviewees from special interest groups were largely (but not entirely) predictable given that they were stakeholders with a declared agenda. The information gleaned from the other 120+ interviewees was far less predictable with no advanced knowledge of the likely input.

The wider group includes Olympic, Paralympic and World medallists, as well as coaches and support staff who have worked with podium finishers and elite teams. However, some interviewees had had very little history with competitive sport, and this was sometimes the case with inclusion officers from National Governing Bodies (NGB) of sport.

The following 28 sports have been represented in the interviews:

Artistic Gymnastics, Artistic Swimming, Athletics (sprinting, middle distance, throws, jumps, para), Australian Football, Basketball, Badminton, Bobsleigh, Bodybuilding, Cricket, Cycling (road, track), Football, Golf, Hockey, Jujitsu, Lacrosse, Netball, Powerlifting, Roller Derby, Rowing, Rugby Union, Rugby League, Shooting, Squash, Swimming, Table Tennis, Tennis, Water Polo and Volleyball. An additional 27 sports were subsequently contacted through on-line surveys, to a total of 54 sports being canvassed in this research.

Many respondents, such as sports scientists, sports physicians and strength & conditioning experts, had worked across several sports during their career. Of the 166 interviewees, 43% (70) were female. We interviewed 20 transgender individuals or family members. Twenty-one per cent of the interviewees (34 individuals) came from a Black, Asian, Minority Ethnic (BAME) background. Ten

interviewees came from a Paralympic or disabled background either as competitors, administrators or support staff.

The interviews were semi-structured and tailored to the expertise and lived experience of the interviewee. We were looking for common themes to be identified from the interviews, and while many topics were raised, seven major themes emerged.

The average interview lasted for 25 minutes but the range was from 15 minutes to 90 minutes, and were generally conducted via phone, WhatsApp, Microsoft Teams or Zoom. Less than 10 of the interviews took place face-to-face and this was primarily due to the challenges brought about by the Covid-19 virus. The authors believe that while this was disappointing, the quality and quantity of the information collected was still extremely high.

In total, when combining interviewees and survey requests, the project reached out to 785 individuals who represented approximately 175 organisations. Information was ultimately gleaned from 135 survey responders and 166 interviewees.

Online Surveys

In addition to targeted interviews, two surveys were distributed to the wider UK sporting community. The first survey was sent to employees of NGBs to assess the level of understanding of the existing 2013/15 Guidance, and the second survey was sent to target groups to obtain more in-depth responses. Both surveys were conducted via Survey Monkey using a locked email link. This meant that only those who received the initial email were able to respond; any forwarded emails would not work, and once that link had a completed survey associated with it, respondents were unable to take the survey again. All responses were anonymous, a feature stressed in the outreach emails to encourage honest responses.

Initial Survey

The initial survey was sent to publicly listed email addresses available through NGB websites. The survey was sent to staff and volunteers across a total of 543 people in 51 sports and sporting organisations across all domestic geographic jurisdictions. The job titles of recipients included: Board member, Performance Manager, Coach Development Officer, Pathway Manager, Sport Development Officer, Team Manager, Diversity Manager, Inclusion Officer and Safeguarding Manager. CEOs of NGBs were excluded from this survey as they were a specific target group for the extended survey.

The intention of the first survey was to assess awareness and understanding of the existing Guidance in a broad range of people employed, or working as volunteers, within sport across the UK, and how this may have been useful in developing policy in their sport.

Questions covered the following broad topics:

- The respondents' level of awareness and understanding of the current Guidance
- The level of understanding respondents felt that others in their organisation had of the existing Guidance
- Whether their specific sport had a transgender inclusion policy in place
 - If so, how useful the Guidance had been in creating this policy
- The success or otherwise of transgender inclusion in their specific sport

Two open-ended questions relating to the inclusion of transgender athletes in their specific sport, and in general, were included to allow respondents to share any additional expertise, experiences or opinions they thought relevant to the current research.

A total of 92 responses were collected in July and August 2020. The option to participate in the extended survey was presented to respondents – those who wished to do so entered their email address in order to receive the survey, but this data was held separately to their answers. No sport, job title or location data was collected in relation to their answers.

Extended Survey

A second, more extended survey was undertaken during August/September 2020. This survey was sent to four specific target groups: CEOs of the NGBs (62 invitations sent), respondents to the first survey who indicated they wished to be involved in further research (17 invitations sent), SCEG Funded Partners (10 invitations sent) and NGB contacts (31 invitations sent). The latter two groups were SCEG directed contacts, all of whom had given consent to be involved in the research. Surveys were sent to the known contact of the SCEG Funded Partners, which are the organisations who partner with SCEG on diversity and inclusion projects. The NGB contacts were individuals with whom SCEG had regular contact as the sports officers responsible for inclusion and diversity in their respective sport. These individuals had various roles within the NGBs; a sample of which were as Equality Manager, Chief Operating Officer, Diversity and Inclusion Manager, Compliance Manager, Ethics and Welfare Manager, Equality and Safeguarding Champion. From a total of 120 invitations sent, a total of 43 responses were received.

The extended survey consisted of more open-ended questions aimed towards those expected to have experience with managing transgender inclusion and therefore more in-depth knowledge to share. Nine core questions covered the following broad topics:

- Whether respondents thought their sport had an effective transgender inclusion policy
- Positives associated with transgender inclusion, and any subsequent issues
- The process of implementing transgender inclusion policies
- Whether respondents were aware of any inclusion policies relating to those outside the gender binary
- Their views on the current international guidelines for transgender men and women in sport
- Whether respondents thought there should be different guidelines at grassroots and elite levels of sport

A final open-ended question invited respondents to share opportunities on how best to achieve transgender inclusion in sport.

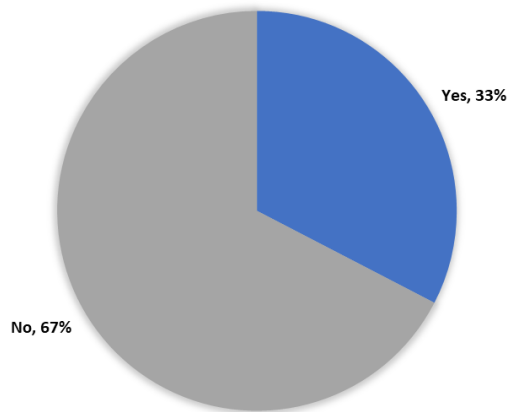
The survey was the same across these four target groups; except in those questions referencing the particular sport relevant to the NGB staff (your sport), this was rephrased as a holistic question relating to sport in general for SCEG partners (in sport). As with the general survey, all responses were anonymous and were stored in the same folder so responses from the four target groups were de-identified and analysed as a whole.

Survey Results

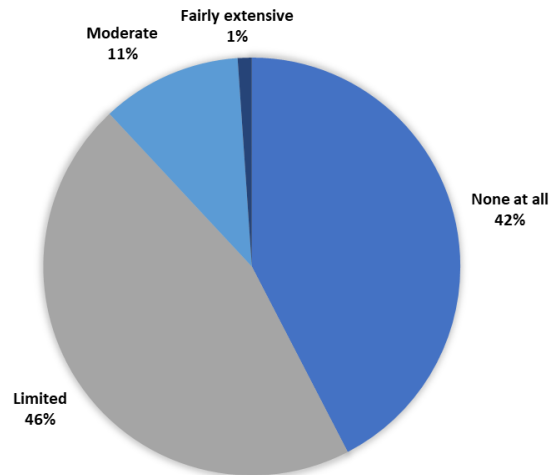
Initial Survey Findings

The most significant finding, and importantly, two thirds of those who responded to the survey, admitted they did not know of the existence of the current Guidance. Further, 11% of the total respondents indicated they had 'moderate' and only 1% had 'fairly extensive' understanding of the Guidance.

ARE YOU AWARE OF THE EXISTING GUIDANCE PUBLISHED BY THE SPORTS COUNCILS IN 2013?



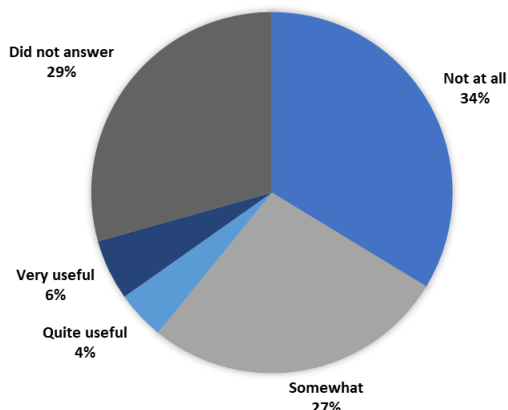
PLEASE INDICATE YOUR UNDERSTANDING OF THE GUIDANCE



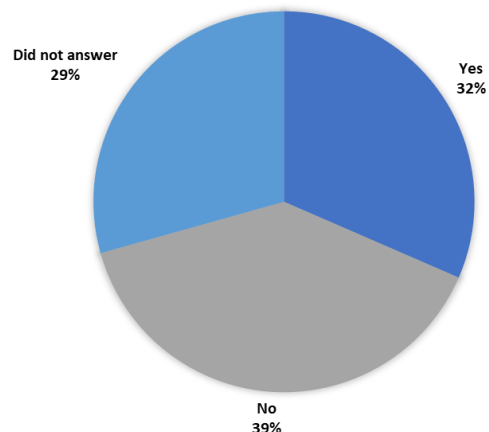
On further questioning, just less than half of respondents considered that awareness of the Guidance would be within the remit of another officer within their sport. However, 74% of those with limited or no understanding of the Guidance thought this was typical for everyone within their sport.

While over a third (37%) of the total respondents indicated that the Guidance had been useful to varying levels in developing policy for Transgender Inclusion in their sport, a slightly lower number (32%) reported that their sport had actually developed a policy. 21% of all respondents considered the inclusion of transgender people within their sport a success, while two thirds of these (14% of the total) indicated their sport had a functional policy in place. However, only 7% of respondents indicated they had a system in place within their sport to determine such success.

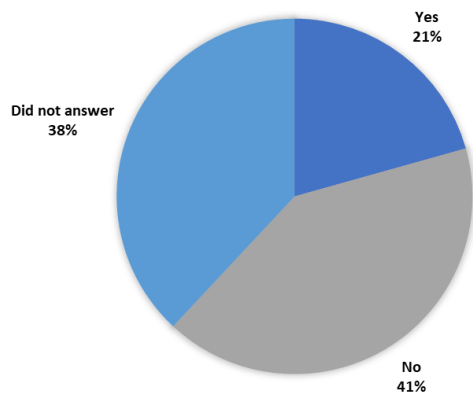
HAS THE EXISTING GUIDANCE BEEN USEFUL IN PLANNING PROGRAMS IN YOUR SPORT TO ENSURE INCLUSION OF TRANSGENDER PEOPLE?



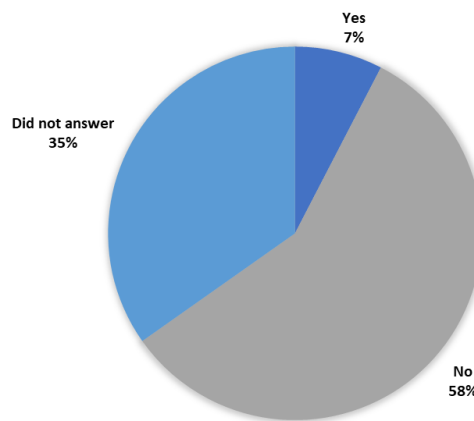
HAS YOUR SPORT DEVELOPED A SPECIFIC POLICY FOR TRANSGENDER INCLUSION?



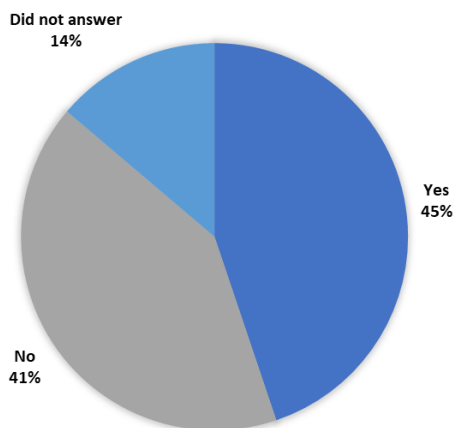
WOULD YOU DESCRIBE THE INCLUSION OF TRANSGENDER/TRANSSEXUAL PEOPLE IN YOUR SPORT AS A SUCCESS?



DOES YOUR SPORT HAVE A SYSTEM OR PROCESS IN PLACE TO FIND OUT HOW SUCCESSFUL YOU HAVE BEEN IN IMPLEMENTING THE GUIDANCE?



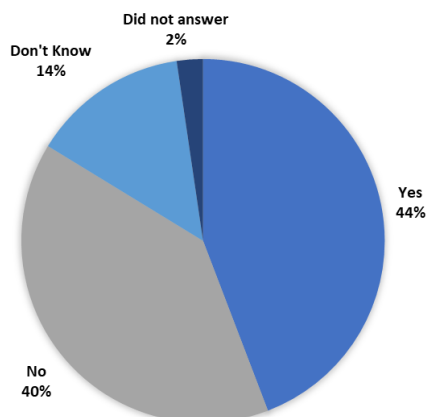
WOULD YOU DESCRIBE THE INCLUSION OF TRANSGENDER/TRANSSEXUAL PEOPLE IN YOUR SPORT AS A SUCCESS? BY THOSE WITH POLICY



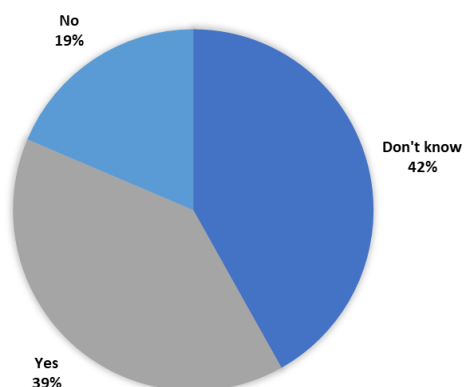
Extended Survey Findings

44% of respondents to the extended survey indicated that there was an appropriate and functional policy for inclusion of transgender people in their sport(s), and 39% said that the existing Guidance had been useful in their sport(s).

IN YOUR OPINION, IS THERE AN APPROPRIATE AND FUNCTIONAL POLICY FOR INCLUSION OF TRANSGENDER PEOPLE IN YOUR SPORT?



DO YOU THINK THE EXISTING GUIDANCE FOR TRANSGENDER(TRANSSEXUAL) INCLUSION IN SPORT FROM SPORTS COUNCILS UK HAS BEEN USEFUL FOR YOUR SPORT?



On request to describe positive experiences from transgender inclusion, 42% reported in the affirmative, while 30% had no positive reports as they either did not have a policy or had no experience on which to report:

On the reporting of any issues with the implementation of transgender inclusion some 53% of the respondents indicated various difficulties ranging from lack of resources to develop policy and implementation, to changing mindsets, to requiring more education, and concerns regarding fairness and safety in some instances. 21% of respondents indicated that had been no known issues to report.

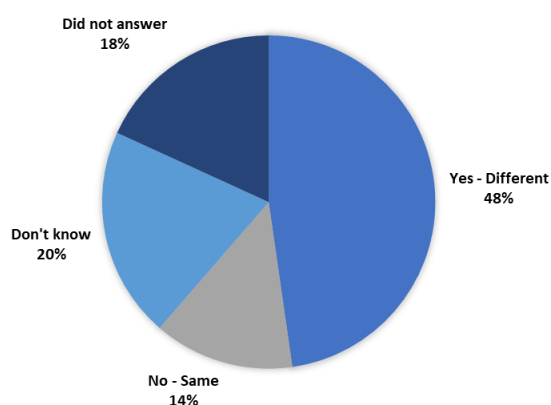
Most respondents reported that they have neither a policy for non-binary people, nor children in their sport(s). Only four reported a functional policy for non-binary people, and seven did so for young people in their sport.

With regards to the inclusion of transgender men in the male category, most respondents agreed this was appropriate. However, some voiced concerns regarding safety and fairness issues (presumably, but not explicitly, for the transgender competitor).

On the inclusion of transgender women into female sport there was a considerable spread of responses – either positive or negative as well as a substantial number of respondents who indicated that they did not feel ‘qualified’ to comment on the science of the issue nor draw any conclusions or solutions. Interestingly there were more than twice as many words written in response to this question, relative to the question on the inclusion of transgender men.

Nearly half (48%) of all respondents thought there should be a different policy in grassroots sport compared with higher level competitive sport. However, there were similar numbers who were equivocal, did not answer the question, or considered the rules should be the same for all levels of sport.

DO YOU THINK THERE SHOULD BE A DIFFERENT APPROACH TO TRANSGENDER INCLUSION IN GRASS ROOTS AS COMPARED WITH HIGHER LEVEL COMPETITIVE SPORT, OR SHOULD THERE BE A CONSISTENT POLICY IN YOUR SPORT?



When given an open invitation to respond to issues the survey respondents gave wide and varied input. However, there were several themes which are incorporated in the findings below.

Interview Results

Those interviewees who supported inclusion of transgender people, often without any restriction or requirement, made very cogent arguments as to why others were wrong and that over time, they would be shown to have been on “wrong side of history”. The lack of acceptance of transgender participants was often compared to attitudes towards disabled sports in the last century. The pro-inclusion interviewees suggested that transgender individuals were entitled to participate in sport, especially at the grassroots level. Several people suggested that there was a myth associated with transgender groups or individuals seeking to become a dominant force in women’s sport, and that it was deeply insulting to consider that transgender people would enter sport ‘to cheat’. It was suggested that those transgender individuals who wanted to participate in sport were looking to feel part of something: They had often endured a difficult adolescence but perhaps sport was a significant part in their previous life, and they were reluctant to lose this.

Proponents of transgender inclusion cited examples where individuals (including early transitioning transgender women, transgender men and non-binary people) had been made to feel very uncomfortable in male sporting environments, and that this had subsequently led to psychological issues, such as anxiety and depression. Several interviewees suggested that the traditional sporting world seemed uncaring or indifferent towards the plight of transgender people who merely wished to participate at a grassroots level. They argued that the culture within sport was unwelcoming to anyone who was perceived as being different.

A significant group of interviewees took the view that while some transgender women might indeed be bigger or stronger or faster than some of their female counterparts, this was a natural part of sport where there was always someone who had a physical advantage. Several respondents linked the idea of Disorders (differences) of Sex Development (DSD) in sport, and Caster Semenya’s case in particular, to the transgender inclusion debate. They argued that while it was clear that an individual might have an advantage, sport had a long history of there being winners and losers, and that DSD or transgender athletes were entitled to compete at any level.

These respondents generally adopted a similar stance when discussing safety in sport. While it was acknowledged that most transgender women were bigger and stronger than females, the respondents argued that sport includes an inherent level of risk, especially in combat or collision sports, and the organising sports bodies would need to face this reality.

These interviewees typically saw no material difference between transgender individuals who had undergone surgery and their transgender counterparts who would not be following that same path. Most of these respondents were opposed to the International Olympic Committee (IOC) approach of mandating a reduction of testosterone levels, and they argued that asking an athlete to take unnecessary medication was unethical, morally unacceptable and discriminatory. Again, many interviewees suggested that in 10 or 20 years, history will reflect badly on those who sought to implement or adopt such policies.

Those respondents adopting a more pro-inclusion approach often talked about sport having the opportunity to be seen as a force for good which could oversee positive social change beyond traditional sporting boundaries. Some transgender interviewees reported positive experiences of inclusion in sport, facilitated by the relevant NGB, local council or educational institution: Some described it as the “best thing they had ever done”. Examples were given of local sporting clubs, or universities where ‘affirmative action’ ensured that confidence of their place within sport gave comfort. Others spoke of particular sports in which a fully inclusive model was well advertised which, in turn, created increasing participation from transgender people.

Transgender men reported variable experiences which included the opportunity to be part of mixed sport, as well as some being welcomed into men's sport. Other transgender men, and transgender women who wished to continue to compete in the category, considered male sport particularly unwelcoming. Some described confrontational episodes, while others spoke of innuendo and those who 'spoke behind their back'. Some of these reports were harrowing and coupled with issues around medical care and social integration, were relayed 'as no-one should have to go through what I have gone through'. Some transgender men and non-binary people were known to be competing 'in stealth' within the female category and considered this necessary due to lack of opportunities.

It was suggested by several interviewees that issues surrounding access to changing rooms and toilets often led to segregation, stigmatisation and isolation of transgender athletes or exercisers. This was especially true if they were asked to use separate standalone facilities.

Those that reported positively on their experience spoke of grass-roots sport: Some acknowledged they were able to play as more senior players with typically younger team-mates and opponents. It was often mentioned that transgender individuals are consumed almost entirely with their struggle to cope with the complexities of their daily lives rather than focusing on a career in elite sport. Interviewees, including transgender women, emphasised that the thought of adding further stressors to their lives would be too tough and too challenging. While they acknowledged that a very small number of transgender women might be capable of focusing on the demands of high-performance sport, they could only imagine the numbers to be extremely small.

Those working with sports confessed that when faced with the need to make a case-by-case assessment in relation to transgender inclusion, they waived the individual through the process. They acknowledged there was a paucity of relevant data on which to base decisions and so their first instinct was to be inclusive. They typically justified this approach by saying that they saw the individual concerned as presenting as their patient for whom they should advocate, or they were concerned about any possible legal challenge from an individual or group if they were excluded from participation.

Over ninety individuals interviewed had 20 or more years' experience in sport and could be described as the sports "professionals" who had a full-time or near full-time involvement in sport. While they had a shared appreciation and empathy for transgender people and agreed everyone had a right to participate in sport, most considered that it is unfair and unmanageable for transgender women to participate in competitive female sport, with or without requirement. This view was held by a majority of interviewees from sport, and this included some transgender women.

No interviewees came forward with meaningful suggestions or solutions as to how the situation could be resolved. There were many suggestions for transgender-only sport, or a combined sport, but it was specifically the category of female sport for which a solution was not proffered. If there was any "grey" area between these viewpoints at all it related to grassroots sports. Participation events such as Parkruns, or mixed competition, or other such sports were cited as arenas where transgender individuals may be welcome. Concerns were raised however about safety issues within domestic contact sport.

Some current athletes and coaches described the inclusion of transgender people as being a genuine threat to the future of female sport. A summary of these views would be that women's sport would be paying the price for men's sport being unable, or unwilling, to be flexible and accommodating when it came to accepting transgender individuals. While respondents indicated a philosophical acceptance of transgender people in male sport this did not necessarily result in practical outcomes.

Many interviewees were exasperated that women's sports had made great strides in terms of participation numbers in the last 20 years, often in the face of male indifference, but that now this was all to be put at risk. Several interviewees observed the irony that it had taken the International Olympic Committee more than one hundred years to have approximate equality in terms of male/female events, but then they allowed for transgender competitors to enter female sport. Many administrators, coaches, athletes or former athletes who were interviewed, described the current IOC policy as being inadequate and poorly conceived. Several senior administrators from a wide range of countries expressed disbelief that the organisation had not grasped the gravity of the situation, nor worked out the likely consequences throughout all of sport.

Several current female athletes suggested that although all or most athletes considered transgender athletes have an advantage if they compete in women's sport, almost no-one would be brave enough to discuss this in public. One athlete said that the potential for a social media "pile on" would be too great, so it is easier to keep quiet and acquiesce. Athletes were relieved that UK Sport was finally addressing this issue and was at last interested in what athletes had to say. Other athletes said that they had been warned not to discuss this topic by their NGB and had been threatened with sanctions such as non-selection if they disobeyed.

Those interviewees who worked within Governing Bodies reported the requirement to meet Key Performance Indicators (KPIs) of accreditation or to meet standards of inclusion and equality, which they saw as an obligation to 'tow a line' with which they did not necessarily agree. They were aware funding for their sport, or their own success within their role, would be compromised if they were to offer any dissent from an agreed corporate requirement. Similarly, those who had roles in safeguarding were now unsure of how the principles underpinning their work could be upheld, particularly in the face of self-identification and admitted to leaving their role on this basis.

Firmly held views were also expressed by members of the Black, Asian and Minority Ethnic (BAME) community, and also women of faith and several BAME respondents said that the current review was high-profile within their community. Women from a BAME background argued that success in sport was perhaps a key opportunity to achieve in a Britain where they were discriminated against because of both their sex and their race, and this was just another example of how society did them a disservice.

Several examples were cited where individuals or groups of females chose to withdraw from sport or even organised physical activity, when an organisation or a leisure facility allowed self-identified transgender women to take part. These examples were provided from the UK, Belgium, Australia and New Zealand. This typically involved women and girls from the Abrahamic faiths of Jewish, Muslim or Christian backgrounds, and their beliefs relating to the respective sexes and the potential for offence to be taken, were resolute. Sporting agencies around the world have often found it difficult to attract and retain female participants from some of these ethnic groups and there was a sense of frustration as to how this work was being undone or undermined by efforts to be inclusive.

Some respondents commented that if there was a social development which somehow saw men's sport being negatively impacted it would have been quashed immediately. This view was expressed by females and males from several countries around the world, and analogies were drawn between shoe and kit design which were always rapidly curtailed if it was considered that unfair advantage could be gained: and yet the corollary in female sport was ignored.

There were several interviewees who expressed frustration at their perception that sport was a battleground of public opinion because it is a high-profile arena, and this limited the opportunity for

rational debate. Interestingly, some of the most strident views expressed in this area came from transgender women. These respondents were adamant that the category generally referred to as self-ID transgender women had done irreparable damage to the cause of integrating transgender women into female sport.

Some retired British male athletes from different sports independently suggested they remained within the elite women's standard in their event despite their age. They cited credible evidence to support those claims, and this led them to conclude that the involvement of (younger) transgender women in female sport was unfair even with testosterone restriction, and that self-identification was untenable. Those working or involved in community sport reported the inclusion of older transgender women into female sports where other competitors were typically much younger, and while these were often considered as examples of good inclusion practice it was also acknowledged that physical prowess extended into older age for these transgender competitors.

A small number of interviewees highlighted current examples in international sport where they "knew" of examples where transgender individuals were competing against females "by stealth" (ie without declaration). Certainly, this seemed to be a common report at lower levels of sport in the UK. It was beyond the remit of the current study to review the veracity of these claims, but names, towns, nations and events were provided so it seems likely that this is a justifiable assertion.

Some interviewees described how WADA and other national anti-doping agencies had eventually moved to a position where they had no discretion to review doping cases on a case-by-case basis. So, suggestions that transgender inclusion might be decided on a case-by-case basis were rejected as being unworkable, and one overseas' respondent claimed that in his jurisdiction local competitions were being negatively impacted by a bureaucratic process which had seen numerous cases being reviewed, appealed and reviewed again. Amateur officials were deemed to be "out of their depth" when it came to making such judgments on a case-by-case basis. Most of the interviewees stated that any athlete's eligibility needed to be assessed well in advance of any competition, and for officials to be making decisions close to competition time was poor practice and should be avoided. A number of interviewees, both male and female athletes and coaches, suggested that there was need to go back to buccal smear XX, XY (genetic) testing at any level of sporting competition with a 'meaningful outcome'.

Many within the NGBs indicated they did not have the resources to either make appropriate policy, or to implement anything which required ongoing management. Some admitted this was a factor, beyond the requirement for inclusion, in creating more simplistic policy such as 'accepting people as they present'. Both respondents to questionnaires and interviewees within the UK admitted freely that their level of capacity in the face of the complexity of the issue was lacking, and they openly asked for help – and this was both in education, but also in the resources required to implement and manage policy.

Similarly, transgender individuals asked for transparency and clarity of rules. For many, they simply wanted to know where their eligibility lay so they could approach a sport with confidence.

Interview and Survey Outcomes

The major themes arising from this review were as follows:

1. TWO GROUPS WITH DIFFERENT VALUE SYSTEMS

There was a fundamental division between two distinct groups of respondents.

One group believed in the value of inclusion. It was evident that to them sport was a vehicle for societal imperatives and sport was subservient to these outcomes. Their focus was not necessarily on sport *per se*, but rather how it impacted on and shaped community perceptions. For those who were primarily of the opinion that 'pro-inclusion' was the most important factor, any unfairness was not necessarily denied, it was thought unimportant.

The other distinct group believed in the integrity of sport itself. To these respondents, fair and safe competition, and adherence to rules, gave sport validity and was the most basic requirement which underpins the position and role which sport occupies within society. And their notion of fair play transcended any other requirement to the wider community. Again, for those who were of the opinion that 'pro-fairness' was fundamental, the requirement and need for inclusion was not denied but considered subservient to fairness.

The contention, and the estimation of unfairness related almost entirely to the category of female participation. It was in this category that competitive advantage was deemed either irrelevant or unproven, or alternatively of paramount importance and incontestable.

The groups seemed mutually exclusive, and this can be considered a values-based dichotomy. The requirement of these two groups cannot be reconciled within the existing structure of sport.

While the vast majority of people with a 'lived experience in sport' adhered to the philosophy of the integrity of sport, this was not universal. In particular, some, mostly female sports people believe overwhelmingly in inclusion and did not consider unfairness relevant or justifiable on current understanding. And, perhaps more surprisingly, some transgender people were the most vociferous about what they considered the unfairness of inclusion of transgender people in female sport.

2. SUPPORT FOR TRANSGENDER PEOPLE

Most people are sympathetic to the plight of transgender people within broader society, and their need for inclusion and acceptance. People openly expressed their dismay as to the conflict of interest which sport presented and wished for better. There was no negative reaction towards transgender men's involvement in male sport for instance: This points to the issue being related to notions of fairness in sport rather than antipathy to transgender people in general.

In this way, discussion regarding physical parameters between the sexes which impacts sporting performance should not be misconstrued as any value judgement or antagonism to transgender people themselves.

3. TRANSGENDER FOCUS ON RECREATIONAL SPORT

Many of the individuals for whom transgender involvement was important, stressed that transgender people were not going into sport to achieve at the highest level and would be satisfied if they could participate, and be accepted, at a grassroots level. This was, on occasion, made relevant to non-binary, gender-fluid and those outside the binary, who sought and should be afforded access to sport and physical activity.

Several respondents indicated it was 'insulting' and 'wrong' to consider that any transgender athlete went into sport to 'cheat to win'. It was the social imperative of inclusion, not accolade or prizes, that was sought. That said, some transgender respondents indicated they wanted to compete at the Olympics and saw no issue with this as a potential outcome.

4. INTERSECTIONALITY OF INCLUSION

Many interviewees drew attention to the fact that transgender inclusion directly into existing categories impacted others in sport, whereas historically new and separate categories had been added for disabled athletes, or in weight or age categories. It was apparent there is a tension in the provision of opportunities and access for all people across the strands of the Equality Act (2010).

People of ethnically diverse communities were concerned about transgender inclusion in sport for varying reasons. Some lamented the fact that sport was a rare arena where they could excel and believed the inclusion of transwomen would deny them opportunities. Further, those who are beholden to faith or cultural imperatives faced challenges as to their ability to support inclusion of transgender people within the sex binary.

Some transgender athletes recounted very poor experiences when trying to assimilate into existing sporting structures, whereas others were more positive. Male sporting environments seemed particularly unwelcoming. The most affirmative examples were those of older athletes, or those in campus sport, whose ambitions were modest. However similar scenarios recounted by their competitors were not necessarily positive.

Several suggested a new separate category should be created for transgender competitors. Many others wanted to return to XX/XY testing and lamented the sudden shift, two decades ago, from sex verification to trans inclusion.

5. NO SOLUTIONS

No-one was able to offer constructive solutions to the issues relating to transgender inclusion into female sport which addressed the concerns of all protagonists. Some people had been wrestling with this conundrum for years yet were unable to describe a way through the current impasse.

On the contrary, most people were distressed about there being no solution – and no way to 'balance' the competing requirements of transgender inclusion, with fairness and safety for females. Transgender women who were keen to continue sport, might admit they were

aware of fairness issues but hoped this did not impact their opportunity to be included. Further, no-one could provide options for transgender people outside of the binary into the current sport format. Some transgender men, people undergoing transition, and non-binary and gender-fluid people were not comfortable playing within the male competition, and some admitted to competing 'in stealth' within the female category.

Most of those who knew elite level sport and/or worked in sport science or medicine did not believe limiting testosterone levels would resolve inherent differences between transgender women and females. Many involved thought that case-by-case decisions were a sham, and medical professionals would be reluctant to turn away transgender participants due to medical ethics constraints, fear of subsequent legal action, or negative publicity.

6. FRUSTRATION, ANIMOSITY AND EMOTION

The level of frustration, animosity and emotionality was high in the many of interviews. There was a lot of swearing, shouting, crying and anxiety displayed during interviews. A significant number of interviewees said that they would only be involved if anonymity was assured because people were afraid to say in public what they privately believed. The overwhelming majority of people who considered fairness and safety could not be achieved with transgender inclusion into female sport did not feel confident to voice these opinions. Some said that they had been threatened with sanction or disciplinary action if they spoke out. Many of the interviewees who held positions with sporting agencies said their personal opinions were in direct conflict with that of their employer or agency's stated position, many felt they had no option but to remain silent in order to keep their job. This was a frequently voiced frustration which regularly reduced the interviewee to tears or hostility.

Ethnically diverse people were unhappy that their concerns were often minimised, and it was yet another example of how they were "last on the list".

Other interviewees were cautious of involvement in this process as they did not wish to see any suggestion that the involvement in sport of transgender people, transgender women especially, put at risk. Some wanted guarantees of affirmative action.

Within the current environment it is unlikely to see pro-inclusion groups reach their objective of inclusion and acceptance because of the latent toxicity which has been generated. Some interviewees considered that the perception of transgender inclusion in society had deteriorated as a result of policies forcing inclusion before the implications were thought through.

7. THE SYSTEM REQUIRES A RESET – A NEED FOR CLARITY AND TRANSPARENCY

It is time for a new conversation: The current system is historic and no longer fit for purpose. The advent of transgender people, including non-binary and gender-fluid individuals is bringing additional challenges to sport, and many respondents from the NGBs said that they were aware that the system was failing to cope despite many people's best efforts 'to do the right thing'. Most people think that we cannot just keep going as we are and assume that somehow this will get better. Many thought it would only get worse. Most interviewees and respondents wanted some honesty, and for the issues involved to be acknowledged and debated freely.

Transgender people and their advocates were clear that their requirement was clarity of the rules and how these would impact them, and that this needs to be transparent and easily accessed information so there would be no ambiguity as to their involvement in sport and physical activity. Many asked for support in their efforts to become physically active, which some felt was available, while others felt lack of information and discomfort with the current processes.

Based upon the interview and survey data (particularly from the Initial Survey respondents) it is evident there is a low level of knowledge around this topic of some people within the NGB community. Many confessed to having inadequate information or a lack of understanding as to the nuance and implications of this complex issue. Several interviewees reported having to formulate policies and documents for their respective NGBs, and that they felt under-qualified to fulfil this function. Hence there is an imperative for further, well informed education and support to develop appropriate policy. Decision-making should be facilitated and include a broad range of stakeholders within and outside of the sport.

The Future of Transgender Inclusion in Sport

Sporting organisations are faced with the challenge of addressing three potentially competing factors: Inclusion, Fairness and Safety.

Our conclusion, based on the existing scientific evidence, data from a myriad of sporting performances across numerous sports, and from the experience of those we interviewed and surveyed, is that fairness, inclusion and safety cannot be balanced through the inclusion of transgender people within the current sex binary categories. This is the case with the inclusion of transgender people into the female category in gender affected sports.

It is highly likely that for many sports, transgender inclusion, fairness and safety cannot co-exist in a single competition model.

Each NGB will need to define the priority for their sport, and whether the current format of their sport will prioritise either inclusion or fairness (and safety if relevant). This is a choice.

If an NGB defines that all three factors are relevant and important to the sport, then a decision algorithm should be undertaken to find the best solution: Consideration will need to be given to develop frameworks which offer different forms of participation and competition. The Guidance to Sport will demonstrate the principles and a potential paradigm for sports to develop solutions for the inclusion of transgender people in sport.