



**NETBALL
SCOTLAND**

TRANS POLICY



NETBALL SCOTLAND TRANS POLICY

STATUS

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Netball Scotland reserves the right to review this policy from time to time.



1 INTRODUCTION

Netball Scotland (NS) is committed to the principle of equality in sport. NS aims to ensure that all people within the netball family, irrespective of their age, disability, gender reassignment or identity, marital or civil partnership status, pregnancy or maternity, race (including ethnic origin, nationality and colour), religion or belief, political beliefs, sex, sexual orientation or socio-economic status; have a genuine and equal opportunity to participate in netball at all levels and in all roles.

NS will ensure that there will be open access to all those who wish to participate in any aspect of netball activities and that they are treated fairly, equally and with respect. Under current British legislation, netball, as a gender-affected sport, may be regulated by NS in respect of the participation of a trans person.

We use the term **trans** or **transgender** to describe those people who, as defined by the Equality Act 2010, share the protected characteristic of gender reassignment and are described in the legislation as transsexual people. We do not include intersex people, androgyne and polygender people, cross-dressing and transvestite people in these terms.

1.1 Aim/Purpose

The purpose of this policy is to set out NS's wishes, as far as possible, to permit trans people to compete in their affirmed gender while balancing this with its role in providing fair play and competitions connected to all governed activity.

This document focuses only on players, or would-be players, in netball competitions. In addition to those wishing to compete, NS also has a responsibility towards those who may be staff, coaches, officials, volunteers or spectators, and who may be trans people, or perceived to be so, or associated with them, such as family members.

1.2 Responsibilities

It is the responsibility of the Board to ensure that policies and practices are legally compliant and implemented by the Chief Executive Officer and that all reasonable and practical steps are taken to avoid discrimination. All NS employees and members are responsible for ensuring this policy is implemented.

1.3 Audience

The policy is aimed at all members of the "Netball Family¹". We will use annual equality monitoring surveys to determine progress against equality targets.

¹ The "Netball Family" refers to everyone involved in the sport of netball at all levels of the game including individuals, clubs, local associations and other organisations, regardless of their role, paid or voluntary, or whether they are members of Netball Scotland or not.



1.4 Consultation

Consultation has taken place with the following:

- LEAP Sports Scotland
- Netball Scotland Board Equality Champion
- Netball Scotland staff Equality Working Group



2 THE POLICY

2.1 Scope

NS is the National Governing Body for the sport of netball in Scotland. Therefore, this policy and procedures relate solely to activity governed by NS. NS is responsible for setting standards and values to apply throughout netball at every level in Scotland. It is the responsibility of NS to apply the rules of netball and regulate participation of persons as competitors in netball matches to ensure that it provides fair competition and has due regard for the safety of all competitors. NS runs and organises a range of competitions to suit the needs of all players.

- This policy covers players in all competitions sanctioned by the NS Board; it includes competition managed and organised by its members, local associations, and affiliated leagues and clubs, referred to as ***domestic competition*** in this paper.
- The policy also covers the eligibility and selection of trans players to represent Scotland in international netball competitions and be part of the performance pathway, referred to as ***international competition*** in this paper.

NS's Policy and Procedures for Trans Netball Players applies to all individuals involved, whether paid or in a voluntary capacity. Everyone in netball has a responsibility to ensure that trans 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 take the following into consideration:

- Equality Act 2010
- IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015
- Data Protection Act 2018
- Gender Recognition Act 2004.
- General Data Protection Legislation (GDPR)



2.2 The Terms We Use

This policy uses several terms associated with trans people and netball. We recognise that there are considerable differences in those that are used, and we have adopted the following terms.

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

We do not include intersex people, androgyne and polygender people, cross-dressing and transvestite people under these terms nor do we include sexual orientation in this.

Gender reassignment – this is one of several protected characteristics defined in equality legislation (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 reassigning their sex. Although it is often associated with medical treatment, this is not a requirement to be protected by the law.

Affirmed gender – this describes the gender that the person has transitioned to as opposed to that which is assigned at birth, their 'birth gender'.

2.3 What Language We Use

We would expect everyone in the Netball Family to use the following preferred terms.

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

2.4 Domestic Competitions

Netball is a game of fair contest and NS sanctions women's, mixed and men's netball competitions; as such there are no safety concerns for any trans male or female wishing to take part in sanctioned netball competitions, in training or friendly/recreational netball. Accordingly, you should accept people in the gender they present, and verification of their identity should be no more than that expected of any other player.



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

Should someone have a genuine reason to believe that there may be some deception to gain a competitive advantage in the women's or mixed game or that there are genuine and substantive concerns about the trans woman's physical strength, stamina or physique that may put other female competitors at a disadvantage or there are evident safety concerns, they should refer their concerns to the NS Head of Development as the operational lead on Equality.

2.5 Netball Scotland Performance Pathway and International Competition

Players in the performance pathway are there to train and challenge for a position in national squads. Trans players seeking to represent Scotland in netball in any International Netball Federation (INF) or Netball Europe (NE) sanctioned competition will need to be compliant with INF & NE policies, rules and regulations. This applies from under 21 National Age Group Squads as this is the point at which INF sanctions international competition.

We recognise that, for some people, the process of gender reassignment may start before joining the performance pathway or during it; we will work with each trans player seeking to enter the performance pathway at a lower age group level on a case-by-case basis to ensure that they know about the implication of the international policy and are supported in their gender reassignment process.

IOC Guidance

Both the International Netball Federation and Netball Europe follow The International Olympic Committee (IOC)² guidelines and take this into account when determining eligibility to compete in male and female competition:

- a) Those who transition from female to male are eligible to compete in the male category without restriction.
- b) Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - I. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - II. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).

² [IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015](#)



- III. The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category.
- IV. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

For both trans men and trans women

It is generally assumed that a trans netball player will seek to play netball in their affirmed gender whether that is at domestic level or in the performance pathway. It is possible that a trans player may seek the opposite to this (i.e. live in one gender and play in the opposite gender).

To facilitate this while maintaining fairness for all players and to protect the integrity of the sport the following will apply:

- trans player must ensure that the competition they choose to play in at domestic level is consistent with the player pathway they want to be considered for at national level i.e. a trans female playing in female domestic competition could only be eligible for female national squads.
- A trans player living in his or her affirmed gender may choose to play in his or her birth gender as follows:
 - A trans male could choose to live in his affirmed gender and continue to play in female domestic competition and be eligible, or selected, for the female performance pathway at national level until he starts male hormone treatment.
 - A trans female could choose to live in her affirmed gender and continue to play in male domestic competition and be eligible, or selected, for the male player pathway at national level until her hormone treatment starts.

For trans women only

The NS's procedure to determine eligibility for trans females to represent Scotland in international competitions

- All enquiries must be passed to NS's Performance Programme Manager.
- All documentation revealing information about a trans female's past or present gender reassignment status must be managed in accordance with NS'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.
- NS will undertake all communication with the trans female concerned only sharing information with international competition organisers to allow it to verify the status of the trans female.
- The trans female (and her legal guardian if under the age of 18) will be asked to permit their GP and/or consultant and the Gender Recognition Panel (where appropriate) to disclose sufficient information to NS (including such other information, records or other material as NS may require from time to time) to allow it to ascertain that the conditions that have been set by the IOC have been met.



- To determine compliance with this policy NS's Head of Development, an appointed member of the Netball Scotland Board and a medical representative appointed by NS will consider the evidence on a case-by-case basis.

2.6 Changing Personal Details for International Competition Purposes

- a. Where changes are requested that do not have any significant impact on a player's status in competition then proof of the change is not required. For example, a change of name – no evidence of proof is asked of people for a change of name, e.g. following marriage; accordingly, a request for a change of name for a trans person can be made in the same way.
- b. If the change is of a sensitive and confidential nature e.g. a change in sex category, then the request will be managed by the Performance Programme Manager.
- c. Where changes have a significant impact on a player's status in competition, e.g. a change of sex for international competition, proof will be required to support the request. Supporting documentation could include but is not limited to the following: - Birth Certificate, Passport, Driving Licence indicating relevant sex, a Deed Poll or Statutory Declaration or a doctor's letter.

2.7 Roles & Responsibilities

All netball organisations should:

- Treat the trans person with dignity and respect
- Welcome the player just as you would any other new attendee or member
- Accept them in the gender they present; verification of their identity should be no more than expected of any other player
- If asked, explain that there are no restrictions on playing in domestic netball competitions or participating in training or informal matches
- Respect the private and confidential nature of the person's situation
- Take your lead from the person, ask their name and use it
- Agree with the trans person how information is to be shared with others if this is absolutely necessary; this may include a change of name and title and this should be accommodated without prejudice or aggravation
- Support the trans person with their choice of changing facilities
- Take prompt and decisive action against anyone in the organisation whose behaviour or language is inappropriate or offensive to or about trans people. Complaint's procedures should be employed 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 trans people and the policy as well as the general equality policy
- Avoid making assumptions about the player, either in terms of their sexual orientation or their medical background, take your lead from the information they may, or may not, offer you
- Be clear about what language to use the language you use, the trans player should be referred to as the sex that they tell you are, i.e. use 'he' or 'she' as you would with anyone else.



2.8 Non-Binary Players

Netball Scotland does not currently provide an adult mixed gender competition or gender-neutral competition within its structures. A person whose gender is Non-Binary wishing to compete in the gender competition that is not in line with their gender assigned at birth, should refer to the rules and regulations of the specific competition to determine their eligibility to compete.

3 MONITORING AND EVALUATION OF THE POLICY

The Board, or a designated person, will review all Netball Scotland activities and initiatives against the aims of the policy on an annual basis, and the Chairman will report formally on this issue at the AGM.

3.1 Breach of Policy

- a. All complaints about the conduct of someone will be dealt with through the Complaints Procedure.
- b. Netball Scotland regards all of the forms of discriminatory behaviour, including (but not limited to) behaviour described in the Appendix as unacceptable, and is concerned to ensure that individuals feel able to raise any bona fide grievance or complaint related to such behaviour without fear of being penalised for doing so.
- c. Appropriate disciplinary action will be taken against any employee, member or volunteer who violates this Policy.

4 RELATIONSHIP WITH OTHER POLICIES

Other policies and rules which outline the expected behaviours within the 'Netball Family' covered by this document are:

- INTEGRITY – Business Conduct and Ethics Policy
- RESPECT – A Process for Managing Complaints
- Anti-Bullying Policy - Children & Young People
- Wellbeing & Child Protection Policy
- Wellbeing & Adult Protection Policy
- Equality Policy
- Communication Policy
- Any Code of Conduct
- And any others deemed relevant by Netball Scotland



5 APPENDICES

5.1 Relevant legislation and forms of unacceptable discrimination

Legal rights

The Equality Act came into force from October 2010 providing a modern, single legal framework with clear law to better tackle disadvantage and discrimination. It brings together over 116 separate pieces of legislation into one single Act.

The Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

It provides Britain with a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The nine main pieces of legislation that have merged are:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007.



5.2 Protected Characteristics

Discrimination refers to unfavourable treatment on the basis of particular characteristics, which are known as the “protected characteristics”. Under the Equality Act 2010, the protected characteristics are defined as age, disability, gender reassignment, marital or civil partnership status (employment only), pregnancy and maternity³, race (which includes ethnic or national origin, colour or nationality), religion or belief, sex and sexual orientation.

These are defined as ⁴:

Age

A person belonging to a particular age (for example 32-year-olds) or range of ages (for example 18- to 30-year-olds).

Disability

A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment

The process of transitioning from one gender to another.

Marriage and civil partnership

The Equality Act says you must not be discriminated against because you are married or in a civil partnership. Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief

Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex

A man or a woman.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Under the Equality Act 2010, individuals are protected from discrimination ‘on grounds of’ a protected characteristic. This means that individuals will be protected if they have a characteristic, are assumed to have it, associate with someone who has it or with someone who is assumed to have it.

³ The exception to this is pregnancy and maternity, which does not include protection by association or assumption – a woman is only protected from discrimination on grounds of her own pregnancy.

⁴ <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>



5.3 Forms of Discrimination and Discriminatory Behaviour

Forms of discrimination and discriminatory behaviour include the following:

Direct discrimination can be described as less favourable treatment on the grounds of one of the protected characteristics.

Indirect discrimination occurs when a provision, criterion or practice is applied to an individual or group that would put persons of a particular characteristic at a particular disadvantage compared with other persons.

Discrimination arising from disability – when a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified, this is unlawful. This type of discrimination only relates to disability.

Harassment is defined as unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person's dignity, or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person.

Victimisation – it is unlawful to treat a person less favourably because he or she has made allegations or brought proceedings under the anti-discrimination legislation, or because they have helped another person to do so. To do so would constitute victimisation.

Bullying is defined as a form of personal harassment involving the misuse of power, influence or position to persistently criticise, humiliate or undermine an individual.