

This guidance is currently under review.

During the 24/25 season we will continue to use this guidance document to which there have been some minor updates that refer to the latest Sport Council and International Olympic Committee (IOC) guidance.

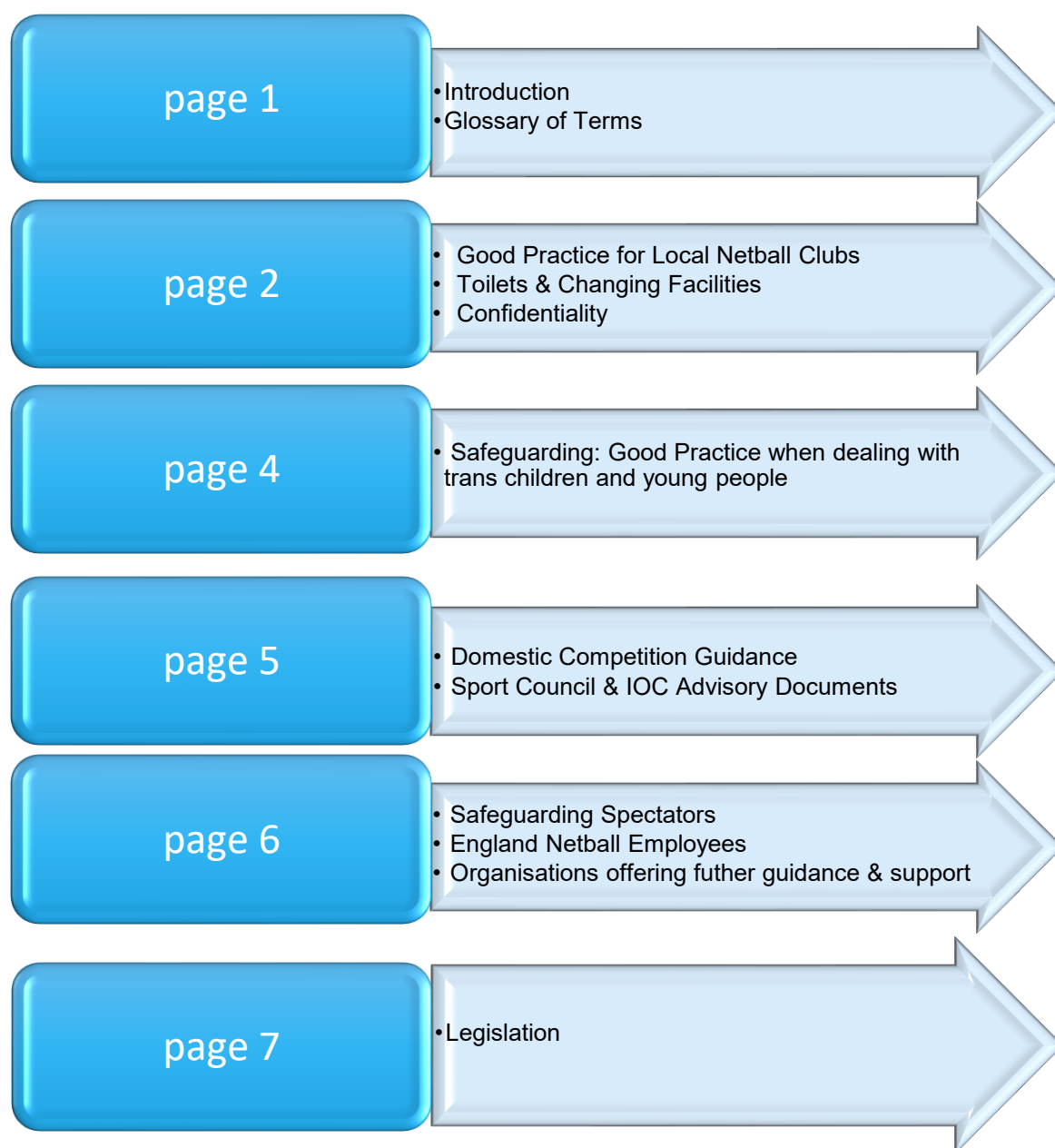
Please note that any changes made to the current guidance will not impact athletes who have already met eligibility criteria for the previous season.

We will continue to work directly with athletes known to us and would like to hear from any other transgender participants within the Netball Family.

We recognise that throughout this document we refer to 'Domestic Competition' as this is an area we are working on to provide greater clarity.

The new policy will be completed and ready in advance of the 25/26 season.

Trans Inclusion Guidance



Trans Inclusion Guidance

England Netball embraces diversity, is committed to providing enjoyable netball for all who wish to participate and has developed guidance in respect of transgender people in all aspects of the Sport: players, coaches, volunteers and spectators.

Please note that evidence suggest that transgender people both children and adults can be the most vulnerable groups in our society. At England Netball, we want to ensure that everybody in our Netball Family is supported and welcomed with the same level of respect.

Transgender people, and the ability to obtain legal recognition of their acquired gender are protected by legislation against discrimination.

This guidance uses a number of terms associated with transgender people, see definitions below:

Understanding the terms that are used

Term	Explanation
Assigned Sex	The sex, male or female, assigned at birth based on physical characteristics
Gender-affected sport	Netball is 'gender-affected', and means the physical strength, stamina or physique of the average female would put them at a disadvantage to the average male as competitors.
Gender Dysphoria or gender identify disorder	A condition where someone experiences discomfort or distress because of a mismatch between their gender identity and sex assigned at birth. This can cause a decline in mental health that can be exacerbated during puberty.
Gender identity or affirmed gender	The gender to which a person identifies or has transitioned or is transitioning, and which is different to that which was assigned at birth. Every person has a right to be able to express their gender in a way that is comfortable to them. Always use a transgender person's chosen name.
Gender Reassignment	A term used for a person proposing to undergo, is undergoing, or has undergone, a process or part of a process for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. (Gender Reassignment is a protected characteristic under the Equality Act 2010)
Gender Recognition Certificate (GRC)	Trans people whose birth was registered in the UK can apply to the Gender Recognition Panel to have their acquired/affirmed gender recorded on their birth certificate. If accepted, the applicant receives a GRC which permits the holder to be recognised for all legal purposes, inc. marriage, in their acquired gender.
Intersex	A condition where a child at birth doesn't clearly appear male or female. Parents may be recommended to wait until the child can choose their own gender identity before any surgery is carried out.
Non-binary/ genderqueer	A person whose gender identity that does not conform to traditional binary beliefs about gender, that indicate that all individuals are exclusively either male or female
Trans	The umbrella term for any person whose gender identity does not correspond to that person's biological sex assigned at birth, and all cross over identities that challenge the socially constructed border between the genders
Trans Woman or girl	A person assigned male at birth who identifies with the female gender
Transgender Man or boy	Someone designated as female at birth but identifies as male.
Transition	Transition is the process of gender reassignment, which can involve social, medical, or legal changes
Transphobia	Discriminatory, abusive or negative language or behaviour directed towards a transgender person and may include refusal to provide access to services equal to non-trans people. It is as unacceptable as racism, sexism or homophobia.

Good Practice for Local Netball Clubs:

- Transwomen will be able to play in friendly and informal matches, join in training sessions, become officials, coaches and volunteer at your club, although they may not be eligible to play in female (assigned at birth) competition* (see notes below under Domestic Competition).
- We want netball to be a welcoming environment, if someone tells you when they join that they are trans, or it is disclosed on their application form, ask if they have any concerns or questions about the Trans Guidance, advise that England Netball is currently reviewing this guidance and seeking to understand the experiences of transgender individuals and request permission to share confidentially with England Netball their involvement.
- As with all new members introduce them to others and ask an existing member to act as their mentor for a while and show them around.
- If you don't know if someone is trans, you should automatically treat them as a member of their self-identified gender - respect their affirmed gender, use the title and name they provide, and refer to them in that gender.
- Treat the individual with dignity; and respect the private and confidential nature of their situation.
- Agree with the individual what information is to be shared with others and, if this is necessary, how this should be shared (please see confidentiality section below). Thereafter, England Netball policy on [GDPR](#) should be followed.
- Encourage the individual to feedback any inappropriate language or behaviour from other individuals so that it can be dealt with.
- Ensure a Code of Conduct is publicised indicating the club's zero-tolerance policy towards all bullying/harassment of people with protected characteristics.
- Adopt/adapt and communicate to all members, EN's [Diversity & Belonging](#) and [Anti-Bullying & Harassment](#) Policy.

Changing Facilities

- If necessary sensitively discuss what communal changing facilities they would prefer to use, as not every changing facility will have private cubicles. It may be that the most appropriate option is to use the cubicles in the toilets appropriate to their affirmed gender, or that they should arrive changed and ready to participate.
- Adults (unless they are parents) do not use the same changing facilities as children under the age of 18 unless there are separate cubicles.

Toilets

Everyone has a right to choose the facilities that they're comfortable with. All toilet facilities have cubicles, and unisex toilets are becoming more usual in public venues which helps to retain privacy and dignity for everyone.

Confidentiality:

It is illegal under the [Gender Recognition Act 2004](#) for a person who has acquired transgender information in an official capacity to disclose personal information about that person's gender history if they have applied for a gender recognition certificate or been granted one, except with his/her permission or in other very limited circumstances. Any information relating to an athlete's former gender (regardless of whether or not they have a Gender Recognition Certificate) is also likely to be classed as sensitive personal data under the Data Protection Act 2018 and GDPR 2016

Safeguarding and Good practice for working with young Trans people

Transgender children

A few children change their gender role at a young age, before starting school, or during their early years in school. Children in this situation up to the age of 12 may play competitive netball in their affirmed gender without restriction.

Welcoming Trans Children and young People to your Club

Considering the issues below and applying good practice will allow young trans people to feel safe and supported in and by their club:

- The club treats all young people with respect and fully implements equal opportunities, tackling homophobia and transphobia in the same way as racism, sexism and other forms of discrimination
- Anti-bullying policies take into account transgender issues and are visible within the club setting
- The images the club presents and displays reflect transgender diversity
- Practices are open and inclusive
- Do not automatically assume that everyone is heterosexual or with their assigned birth gender
- Positive action is taken to attract a representative group of young people to attend
- Club personnel and staff have LGBTQ+ awareness training and understand the needs and vulnerabilities that LGBTQ+ young people have
- Teams reflect the diversity in the community
- All young members to sign the Codes of Conduct

Transphobia

England Netball promotes a zero-tolerance approach to transphobia and ensures that any unacceptable behaviour and language is challenged appropriately and sanctions and /or educational programmes implemented to ensure the creation of a safe, inclusive and welcoming environment for trans people.

Types of discrimination include:

- discriminatory language or behaviour directed towards anyone who comes under the umbrella term of trans,
- discrimination towards a transgender person's friend or supporter,
- anyone that may be perceived to be a transgender person (whether they are transgender or not),
- a reluctance or refusal to provide access to services to the same extent as that provided for a non-transgender person.

*Transphobic behaviour should be reported to the police *and*

to England Netball at: email complaints@englandnetball.co.uk or complete an [online complaint form](#). Or if it is related to children & young people email besafe@englandnetball.co.uk.

‘Domestic Competition’

Netball is a ‘gender-affected’ sport which is defined as one where ‘the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender as competitors in events involving the sport’. (Gender Recognition Act 2004).

The overriding sporting objective is the guarantee of fair and safe competition. Netball clubs must not restrict the participation of a transgender person in competitive sport unless this is strictly necessary to uphold fair or safe competition; any other restriction may amount to direct discrimination.

Transwomen, whether or not they have a Gender Recognition Certificate (GRC), can play, attend training; however, when it comes to competition, clubs should work in accordance with the Equality Act 2010, which states:

Part 14 Section 195 “The Act allows transsexual competitors to be prohibited from competing where the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex and where such a prohibition is necessary for fair competition or the safety of competitors’.”

Eligibility for ‘Domestic Competition’ run in accordance with EN’s regulations and policies

Any transgender male may compete in his affirmed gender in any male or mixed-sex domestic competition

Transgender woman over 18 (male-to-female transgender person) may compete in her affirmed gender in female or mixed-sex domestic competition by providing evidence to England Netball that their hormone therapy has brought their blood- measured testosterone levels within the range of her affirmed gender below 5 nmols/l as set out in the Sports Council [Guidance For Transgender Inclusion In Domestic Sport 2021](#) for a period of 24 months prior to competition.

An athlete will not be eligible to play until they have provided evidence that the criteria has been met. The athlete will be required to confidentially disclose medical information to support this to England Netball by emailing Belonging@englandnetball.co.uk.

If an athlete has previously provided evidence of eligibility locally the athlete should make contact with England Netball by emailing the above address.

All data will be kept confidential and only shared with specialist panel if required.

OR

She may compete in any male or mixed-sex competition if she has not started hormone treatment.

Transgender girl – under 18 Either she may compete in her affirmed gender in any female or mixed-sex domestic competitions subject to an individual case-by-case review, undertaken by England Netball. The athlete and parent or guardian should contact belonging@englandnetball.co.uk to undertake a review meeting to check her individual circumstances and manage expectations with due consideration to fairness and safety.

Or

She may compete in any male or mixed-sex competition

Transgender girl – up to 12 years - may compete in her affirmed gender in any female or mixed-sex domestic competition. ...

Any concerns relating to the eligibility and participation of transgender player should be raised in writing directly with England Netball via the email Belonging@englandnetball.co.uk and under no circumstance raised directly with the individual player. England Netball will work with the player to undertake a sensitive and confidential review of their circumstances, and the matters of concern raised.

Sport Council & IOC Advisory Documents

[Sports Council Guidance For Transgender Inclusion In Domestic Sport 2021](#)

[IOC-Framework on Fairness, Inclusion and Non-discrimination on the basis of gender identity and sex variations 2021.](#)

[World Netball Participation & Inclusion policy](#)

[World Netball Participation & Inclusion policy FAQs](#) –

Safeguarding Spectators

Spectators may be transgender and may be subjected to transphobic comments from others around them. Transphobic language and behaviour can be reported directly to club safeguarding officers or officials. In the same way that racist or homophobic language and behaviour is challenged it is vital that coaches and club staff respond to transphobic language whenever it happens and take all reasonable steps to resolve the situation safely and effectively.

Spectators may also direct transphobic comments at players. This is not always because a player is known to be trans, but simply as a term of abuse, in the same way that 'gay' may be used as a derogatory term, even if there are no gay people present. Whenever phobic language is used it creates a hostile environment and must be addressed.

England Netball employees

England Netball will not discriminate against trans people in any aspect of their employment and will endeavour to ensure that the culture of the workplace is supportive and welcoming throughout any transitioning process or as a transgender person.

In accordance with our Diversity & Belonging policy, and other key policies such as the Anti-Bullying & Harassment Policy, any discrimination, unfair or unreasonable behaviour or treatment will be taken seriously and action taken in accordance with the EN Disciplinary policy.

England Netball will work to meet the individual needs of each person to ensure that they have a positive experience of their employment with England Netball.

Organisations offering further guidance and support:

- [Mermaids Short Report: Young People and Sport](#)
- [Gendered Intelligence - support for young people](#)
- [Pride Sports LGBTIQ+ Sports Inclusion](#)
- [Stonewall](#)
- [Sport England Insight and Research - LGBTQ+](#)

Legislation

Under the Equality Act 2010, Trans people cannot be directly or indirectly discriminated against, nor can they be harassed.

The law covers transgender people in different ways. The small number of transgender people who, by definition, have the 'protected characteristic' of 'gender reassignment', are specifically protected, by the Equality Act 2010, from discrimination, harassment and victimisation, in employment and in the provision of goods, facilities and services, from the time that they disclose their intention to change their role.

However, equality law does also protect individuals in the wider transgender community, against discrimination and harassment, as well as those who are 'associated' with a transgender person, such as partners, family members or carers. The Act is, therefore, relevant to transgender employees, club members, volunteers and spectators who are, or who may be perceived to be transgender and could, potentially, be subjected to transphobic behaviour.

The Gender Recognition Act (2004) provides transgender people with legal recognition in their acquired gender, subject to some specified exceptions. A minority of the people who have undergone permanent transition of their gender role, obtain a gender recognition certificate (GRC) in accordance with the Gender Recognition Act, 2004 (GRA). In order to obtain a GRC it is not necessary to have had genital or other surgeries. Those whose births were registered in the UK, automatically receive a new birth certificate. The GRA provides enhanced privacy protection with regard to sensitive information about their gender status, from the time of application to the Gender Recognition Panel (GRP). In these circumstances, breach of privacy by any club official could amount to a criminal offence. The GRC confers on transgender people their post-transition gender status 'for all purposes'. It may be considered to be harassment, to ask if a person has a GRC, so it is advisable to extend the same level of protection and privacy to all those who have changed their gender role on a permanent basis.

The privacy of the wider group of transgender people, as well as transsexual people, is also protected under the Data Protection Act 2018 and GDPR 2016, which means that any processing of their data should seek to avoid causing any damage or distress.