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Swim England Policy

Trans competitors

Swim England is responsible for regulating within its jurisdiction the participation of persons as competitors in an event or events of the following sports: swimming (all disciplines), synchronised swimming, water polo and diving.

These are gender-affected sports as defined by legislation, in that the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage to average persons of the other sex as competitors in an event of one of the above-mentioned sports.

Accordingly, Swim England adopted a policy on transsexual competitors in November 2011 for two reasons: firstly, in order to ensure equal and fair competition in the above-mentioned sports; and secondly, to ensure the safety at all times of all competitors. This policy has now been updated based on the helpful guidance from the Sports Council Equality Group.

DEFINITIONS

For the purposes of this Policy:

Trans (or transgender) is an umbrella term used by individuals whose gender identity and/or gender expression differs from their birth sex. The term includes, but is not limited to transsexual persons and others who define as gender variant. Trans persons may or may not choose to alter their bodies hormonally and/or surgically and in such cases the Panel shall have regard to fair competition and safety. Transsexual persons have the protected characteristic of gender reassignment if the person is 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

Competitor denotes an entrant to open competitions promoted by or on behalf of the Swim England.

POLICY

1. All enquiries regarding participation by a trans person as a competitor shall be passed for determination to Swim England's Equality and Participation Panel ("the Panel").
2. The Panel shall comprise of three representatives appointed by Swim England's Sport Operations Committee. The Panel's appointees shall not necessarily be members of the aforementioned Board but shall always include amongst its numbers one medical and one legal representative, both of whom shall possess appropriate expertise.

3. The trans person (and their legal guardian if under 18) shall be asked to permit his or her GP and/or medical consultant and the Gender Recognition Panel (if applicable) to disclose sufficient information to the Panel (including such other information, records or other material as Swim England may require from time to time). The Panel should also be permitted to go back to the GP and/or medical consultant to clarify or verify any details. This will ensure that the Trans person is managing the information that is shared with the Panel and will assist in ensuring the individual's right to privacy.
4. All reasonable steps shall be taken by Swim England to enable the trans person to submit appropriate evidence to the Panel. This shall include Swim England remaining open to further evidence being submitted at a later date.
5. The Panel shall have regard of the following hormone based requirements for enquiries from transsexual persons:

Non-contact disciplines

- 5.1 Any transsexual male (female-to-male transsexual person). For non-contact sports there is a general consensus that transsexual men and boys, even after a considerable period of time on testosterone therapy, do not usually have an unfair physical advantage over other men and boys.
- 5.2 Transsexual woman – over 16 and post-puberty (male to female transsexual person). The information disclosed allows the Panel to ascertain that hormone therapy has been administered in a verifiable manner or ascertain the date of her gonadectomy. This information will need to demonstrate that the hormone treatment will have reduced her blood-measured testosterone level to that of the affirmed gender for an appropriate length of time and that this has minimised any potential gender-related advantage. Hormone-related treatment must be verified annually to ensure its validity.
- 5.3 Transsexual girl – under 16 and post-puberty. The transsexual girl and her legal guardian should be asked to permit the Panel to undertake an individual case-by-case review because there can be considerable differences in their strength and status. This will involve a review meeting with the transsexual girl, her advocate (e.g. parent) and a representative of the Panel. The review meeting will be to agree a way forward for the young person based on their individual circumstances and to manage everybody's expectations with due consideration to fairness and safety.
- 5.4 Transsexual girl – pre-puberty. There should be no gender related advantage as she will largely have escaped the virilising effects of testosterone on her adolescent development. The risk of injury to competitors would be minimal and would be comparable with competitions where all competitors were birth sex female. The transsexual girl and her legal guardian should be asked to disclose sufficient information to the Panel to allow it to ascertain the stage of pubertal development that the girl has reached. This is subject to annual review.

Disciplines with contact or with the potential for contact

- 5.5 Transsexual male – over 16 (female-to-male transsexual person). The information disclosed allows the Panel to ascertain that hormone therapy has been administered in a verifiable manner. This information will need to demonstrate that the male blood-measured testosterone levels are within the range of his affirmed gender for an appropriate length of time and that this has minimised any potential gender-related

advantage. Hormone-related treatment must be verified annually to ensure its validity.

- 5.6 Transsexual boy – under 16 and post-puberty. The transsexual boy and his legal guardian should be asked to permit the Panel to undertake an individual case-by-case review as also set out in clause 5.3.
- 5.7 Transsexual boy – pre-puberty. There should be no gender related advantage and the risk of injury to competitors would be minimal and comparable with competitions where all competitors are birth gender male. The transsexual boy and his legal guardian should be asked to disclose sufficient information to the Panel to allow it to ascertain the stage of pubertal development that the boy has reached. This is subject to annual review.
- 5.8 Transsexual woman – over 16 and post-puberty (male-to-female transsexual person). The Panel shall follow clause 5.2.
- 5.9 Transsexual girl – under 16 and post-puberty. The Panel shall follow clause 5.3.
- 5.10 Transsexual girl –pre-puberty. The Panel shall follow clause 5.4.
6. All evidence shall be properly and fairly considered by the Panel.
7. All aspects of the matter (including but not limited to communication, correspondence and evidence) shall at all times be handled sensitively by the Swim England with due respect to the requirement of confidentiality and the right to privacy.
8. A transsexual person shall not be entitled to compete in his or her acquired gender until such time as he or she has provided evidence that the applicable criteria set out above has been met to the reasonable satisfaction of the Panel.
9. Once the Panel is satisfied then verification of identity should be no more than is required of any other competitor.

INITIAL ENQUIRIES

All enquiries regarding participation by a trans person as a competitor should at the first instance be made to the Department of Legal Affairs by email at legal@swimming.org.