



## **TRANSGENDER INCLUSION POLICY**

### **Introduction**

The EIHA is an inclusive organisation, and this policy complements the main Inclusion Policy. This policy relates specifically to people who have the protected characteristic of gender reassignment. Those having this characteristic are usually described as trans or transgender people, terms which embrace a wide range of identities, including those whose sense of self may not fall into the social categories of 'men', or 'women', but may be non-binary falling between these extremes, or they may be a mix of both; and a few are outside the gender spectrum altogether, that is they identify as 'agender'. Others who fall under the term 'intersex' may also have some difficulties in being included in sport. Those who have changed their gender role full-time, in order to align their gender role and expression with their gender identity, are said to have 'transitioned'. A person's gender is entirely separate from their sexual orientation. Trans people may identify as lesbian, gay, bisexual, straight or asexual.

Clubs need to be conscious of this wide variety within the trans community, and be alert to the flexible approach needed so that trans people may be welcomed and included without discrimination, not only as players, but also as managers, coaches, staff members, and in the social life of the Club.

Current estimates suggest that around 1% of the UK population might identify as trans people, including those who are non-binary. This amounts to roughly 600,000 people, and as such it would be reasonable to expect that some will wish to be involved with our sport. This creates a duty for the EIHA and clubs to take steps to accommodate their needs.

### **Policy**

Clubs are required to operate within the standards set within the EIHA's Inclusion Policy, and should utilise the EIHA's codes of conduct to welcome, accommodate and protect trans people who want to take part in Ice Hockey.

Putting into effect the principles of inclusion, dignity, and privacy, requires specialist knowledge, and a willingness to work with the individuals concerned. It is therefore required that the individual's views must be taken into account at every stage of decision-making with regard to their participation in Club activities.

Use of appropriate names, titles and pronouns is key to the emotional wellbeing of trans people, as it makes them feel welcome and respected. Mistakes should be immediately followed by an apology and correction. Non-binary individuals may use neutral or neopronouns, e.g. they, per, ze, instead of he/she, his/hers. Deliberate use of inappropriate names and pronouns amounts to harassment.

The training of managers and staff will include transgender specific information so that no embarrassment arises, for instance, in respect of use of facilities.

## **Name Change**

In the UK, people can change their name without any legal process. In practice, people may provide a written, signed statement to indicate that they intend to live according to a new name from then on. Sometimes evidence may be provided by way of a Deed Poll or a Statutory Declaration (the latter before a solicitor or magistrate in court). A doctor's letter may also be used, but all these documents have to be paid for, and Clubs should not be putting trans people to unnecessary expense. Sometimes, where identification is sought, a Passport or Driving Licence may be presented. The issue of name change for a player will be discussed with the manager or Designated Safeguarding Lead and relevant privacy provisions will apply.

## **Privacy**

Where people have changed their gender role before joining the club, they may have already obtained a Gender Recognition Certificate (GRC). This gives them, for all purposes, the legal gender status which matches their gender identity. A GRC does indicate that the person has already lived in the affirmed gender role, for at least two years, and intends to continue doing so.

It is inappropriate to ask if a person has a Gender Recognition Certificate (GRC) as this breaches the person's privacy and may be considered to be harassment. The majority of trans people do not have one, but those who do, may choose to offer this as proof of their name and gender status. Trans people whose birth was registered in this country automatically qualify for a new birth certificate when they obtain a GRC. However, birth certificates should not be requested or required. Any copies of legal documents that are provided must be treated as highly confidential. If an individual has a GRC, any person learning of a that individual's trans history, while working in an 'official capacity' – such as a manager or office staff – would commit a criminal offence if they passed this information on, without the explicit permission of the person concerned. It is, in any case, good practice to treat trans people as though they have a GRC, and maintain absolute confidentiality; do not disclose a person's trans history to others without permission from the person concerned, even if they believe it is in the person's best interests.

All written communications, including letters and envelopes must be handled in accordance with the wishes of the individual.

Where a person changes gender role, whilst still being an active, playing member (or a member of staff), all documents relating to the person's previous history, name, gender status or other personal details should be kept separately from other club paperwork, in a locked safe or drawer, in double envelopes which must be sealed, marked confidential, and only accessed by a named person, agreed by the trans person, for instance, the Club manager, whose name should appear on the outer envelope. Any documentation that still bears a person's previous name and gender status, such as award-certificates, should be reissued if possible, using the new name. The number of individuals involved in sharing the sensitive information should be kept to the minimum. Such paperwork, which may include medical and legal records must not be kept in an open file which could be accessible to office staff.

IT systems must, as far as possible remove any previous names and titles or, where this cannot be achieved, these references must be password-protected or hidden from unauthorised viewing in some other way.

When a person who has transitioned while playing for a team or Club, then transfers to another team or Club, either for geographical reasons, or because the player falls into a different age category, the utmost care must be taken not to transfer confidential information. The player should be able to start with a 'clean slate'. If, for any reason, this is not possible, agreement with the person concerned about the extent of disclosure, must precede any action taken.

Some roles within a club will require DBS checks, and the DBS checking process would usually require the applicant to show identity documents to a designated person within the club. The Disclosure and Barring Service have a dedicated process for any trans person who does not wish their employer to have access to details of their previous identity. To access this service the trans person should contact the Sensitive Applications Team at the Disclosure and Barring Service when asked to complete a DBS application.

### **Toilet and changing facilities**

The EIHA recognises that provision of toilet facilities which meet the needs of all individuals is a matter for the ice rinks where clubs operate, and that clubs may not have any control over these matters. If asked, however, the club should lend support to any reasonable request made by a trans person to an ice rink for facilities to be provided.

Players and staff must be accommodated according to the gender role in which they are living full time. We recognise that this may present difficulties arising from others feeling uncomfortable with an unfamiliar situation. In these circumstances education and awareness raising must be implemented by the club to avoid any discrimination, exclusion or isolation taking place.

Where possible, in changing facilities and showers used by players, privacy should be enhanced by introducing cubicles and/or curtaining, so that the privacy of all those participating is improved. This level of privacy is not necessary for areas where only padding and outer clothing is involved.

### **Overnight Accommodation**

When teams are staying away from home overnight, the usual practice is for two people to share a room. It is also usually acceptable in situations where one of the pair is trans, as long as both parties are in agreement. This means, for example, that a trans boy/man will share with one other boy/man, and vice versa. For those under 18, the views of parents should be taken into account, and consent should be documented. It is important that the trans person is not made to feel like an outsider, but to be treated in the same way as the rest of the team, as far as possible.

### **Inclusion in sport**

There are two main considerations when including trans people in competitive sport: fairness, and risk of injury.

For sporting competitions where physical strength, stamina or physique are significant factors in determining success or failure, the Equality Act 2010 Act permits separate competitions to be organised for men and for women.

If the physical strength, stamina or physique of the average person of one sex would put them at a disadvantage compared to the average person of the other sex as

competitors in a sport, game or other competitive activity, it is not unlawful for those arranging the activity to restrict participation to persons of one sex.

The Act permits the organisers of such a sport, game or other competitive activity to restrict participation of a trans person in that activity but only if this is necessary in a particular case to secure fair competition or the safety of other competitors.

Legislation therefore makes it clear that trans people taking part in competitive sport must be treated according to their current gender role and expression (rather than the sex they were assigned at birth), unless there is evidence that they have an unfair advantage, or there is a risk to their safety, or the safety of others which might occur in close-contact sports. As ice hockey is a game in which physical body contact may arise, particularly in the men's game, care must be taken that mismatches in weight and size do not put anyone at risk, for instance, a trans man (assigned female at birth) may have a small frame and be at greater risk of injury; a trans woman (assigned male at birth) may be greater in weight and stature than other women and could potentially put them at risk in fast-moving accidental contact situations. It should be noted however, that trans women may experience reduced overall body strength when undergoing hormone therapy.

In 'friendly' games, managers, coaches and organisers should include trans players as they would all other players. The same principle should be applied to non-binary and intersex people. As far as is possible, having regard to fairness and safety, people should be included according to their gender identity, regardless of the sex assigned at birth. Inclusion should be based on ability and standard of play. In many instances, the individual concerned will not have any particular advantage, or disadvantage, real or perceived, and no action needs to be taken. The best result is when the least fuss is made, and people are accepted in line with their gender role and presentation.

A common sense approach should be taken, which is flexible and takes into account the trans person's view when competitive matches are to take place. Decisions should be made on a case by case basis, and discussed with as few other people as possible. Possession or otherwise of a Gender Recognition Certificate is not relevant to this decision and one should not be requested. Best practice would see the individual take part in a trial in the same way as any other player seeking to join a team. This will enable an assessment of their ability level to be made and the individual to be accepted presuming that do not have any particular advantage or disadvantage and meet all the normal thresholds for joining the team.

When playing against outside teams, the manager should take responsibility for ensuring that no embarrassment arises from inappropriate reactions from the opposing team. In many cases, no such issue is likely to arise, but where it could, discussions with the trans individual about how to approach this must precede the event.

### **Under 18s**

Under 18s will often be playing in mixed gender teams whilst there is little difference in the strength, stamina and body weight between boys and girls. It is good practice to create mixed teams, and this is especially helpful for non-binary children.

Where there are separate boys and girls teams, a child who identifies as a girl (assigned male at birth), may play in the girls' team, and vice versa.

As puberty starts, some young trans people are given medication (commonly referred to as 'puberty blockers') to suspend their puberty and prevent the development of secondary sex characteristics. During that time, which can extend to a few years,

these young people will remain more childlike in their physical development compared with others of the same age. They may also experience more fatigue. Those whose treatment later includes the hormones usually associated with the opposite sex (sometimes referred to as 'cross-sex' hormones) will then develop some of the characteristics associated with their gender identity rather than their assigned sex, e.g. trans girls will develop breasts.

Cross-sex hormones are not typically prescribed in the UK before the age of 16, but those treated in other countries (USA and Germany, for instance) may be on cross-sex hormones from about 14 years old. Young people who have had this continuous medical intervention throughout puberty, will ALWAYS have the right to participate in competitive sport, even elite sport, according to their affirmed (post-transition) gender status. It is therefore never appropriate to disclose the trans history of young people when they transfer to a different age category.

Non-binary young people may also have these treatments and, where boys and girls teams exist, non-binary youngsters should be able to compete in the team which is not that of their birth sex, unless they choose that option.

Young people who are not on medication will continue to develop secondary sex characteristics in line with their birth sex. Inclusion in sport requires the same considerations apply as for adults, in that significant differences in weight and speed must be taken into account. Untreated trans boys develop breasts and are likely to wear breast binders which are very restrictive and likely to impact on their ability to engage in sport. Surgeries are not undertaken in the UK before the age of 18. Similarly those treated with medication to suspend puberty will also need case by case assessment in terms of their size, strength and stamina where this could put them at risk of injury. Whilst 'playing down' is not usually accepted by the EIHA, the Board will give consideration to any special requests made in these circumstances where such might be in the best interests of the young person.

Young people who have not yet had treatment, may benefit from ongoing support from their current manager or coach or other professional at the point of transfer to an older age category. However, this must be discreet, and only undertaken if the young person agrees.

### **Elite sport**

Those wishing to progress to Elite / International levels of Ice Hockey will fall under the remit of Ice Hockey UK for those purposes, and all relevant matters will be addressed through their Policies and Procedures.