



## **UKRDA Transgender Policy**

### **Purpose of the Policy**

1. The purpose of this policy is to assist those involved in administering roller derby to respond appropriately, sensitively and fairly with transgender individuals. This includes sanctioned UKRDA games as well as national selection.
2. The policy exists to reassure transgender skaters of the protections and support they have, both within law and within the UKRDA policies and protocols.
3. The policy also supports member leagues of the UKRDA in meeting the requirements of the Equality Act 2010, which lists gender reassignment as one of the nine protected characteristics on the grounds of which people are protected against unlawful discrimination.

### **The UKRDA's commitment**

4. The UKRDA is wholeheartedly committed to tackling transphobia and promoting the inclusion of transgender individuals in roller derby.
5. The UKRDA aims to create an inclusive, trans-friendly culture in roller derby, free from discrimination, harassment or victimisation.
6. No person will be treated less favourably than any other, on the grounds of transgender identity or reassignment.

### **Definitions**

7. In this policy, 'female' refers to an individual living as and identifying as female on a full time basis.
8. In this policy, 'male' refers to an individual living as and identifying as male on a full time basis.
9. In this policy, we will make reference to and provide guidance for people who do not wish to transition permanently into a new gender role, but who identify as genderqueer, gender variant or intersex or who choose to live permanently with a more fluid gender identity.

### **Scope of the Policy**

10. This policy applies to rostered skaters in UKRDA sanctioned games. It will also apply to skaters selected for national teams.
11. UKRDA members should comply with, and adopt, this policy and accompanying guidance as a minimum standard within their leagues.

### **Transgender Skaters and Competitive Selection**

12. The UKRDA aims to anticipate and respond positively to the needs of transgender skaters and officials, providing a culture that enables all transgender members to feel welcome, safe, valued and supported.
13. Transgender skaters will be welcome to skate in UKRDA sanctioned games and compete at a national level without the requirement of disclosing their transgender identity. Skaters in female leagues should be living as and identifying as female on a full time basis, and similarly with male skaters in male leagues. Should they wish to disclose a transgender history, there will be a nominated person available within UKRDA with whom they can discuss this further.
14. Transgender skaters trying out competitively at an international level will familiarise themselves with the transgender policy under which the particular international tournament will be governed. Where policies differ and transgender skaters feel their options are limited as a result UKRDA is committed to actively supporting them and working with any international body to come to a mutually acceptable solution.

### **Confidentiality**

15. The UKRDA will respect the confidentiality of all trans individuals.

### **Protection Against Harassment and Bullying**

16. The UKRDA recognises it is the right of every individual to choose whether to be open about their gender identity and history. To 'out' someone without their permission is a form of harassment and also a criminal offence.
17. Transphobic bullying and harassment contravenes the UKRDA's codes of conduct.

Policy Developed: Mar 2014

# UKRDA Transgender Guidance

## Introduction

1. As a National Governing Body, the UKRDA have published this policy and guidance as a way to make members and individual skaters aware of the legal framework with regard to transgender people involved in roller derby, and to provide some practical suggestions on best practice in this area.
2. Until recently, members have welcomed the WFTDA transgender policy and guidance. However, legislation for transgender people in the UK is very different from legislation in the USA. Our equality legislations are on the more progressive side, therefore more up to date guidance is required to comply with this.
3. This guidance aims to give members an overview of their responsibilities under the law, and non-statutory ways in which they should seek to accommodate transgender individuals. It also seeks to allay the fears of members by outlining some of the things that they do not need to do.

## Gender Transition

4. Some people do not identify with the gender they are assigned at birth. This can cause **Gender Dysphoria**, which is a recognised medical condition for which medical treatment may be appropriate.

'**Transition**' is the process of changing from the gender assigned at birth to a gender with which the individual identifies. This may, or may not, involve medical or surgical treatment. Gender transition is a journey that is different for everyone. Every individual is unique and will experience gender variance to a different degree. Some may attempt to suppress the discomfort, while others may live permanently in the gender role that is most comfortable for them without seeking any medical treatment. For many reasons, it may not be possible for some people with gender dysphoria to undergo medical treatments. They still have the same legal protections as those who do choose to medically or surgically transition. Some people will choose to follow the medical process called **gender reassignment**.

## Legal Protection

5. The **Equality Act 2010** lists gender reassignment as one of the 'protected characteristics' on the grounds of which people are protected against unlawful discrimination, harassment and victimisation.

It is not necessary for an individual to be under medical supervision, or to undertake gender reassignment surgery, to benefit from the legal protection. This protection commences from the point at which they first indicate their intention to transition. The Act gives

governing bodies a responsibility to protect their members from harassment and bullying in relation to gender reassignment.

6. The **Gender Recognition Act 2004** allows transgender people to be recognised in the eyes of the law as belonging to the gender with which they identify. This legal recognition entitles a transgender person to obtain legal documentation in the acquired gender; to marry in that gender and to enjoy all other rights and responsibilities appropriate to someone of that gender.

It allows individuals who have undergone reassignment to obtain a Gender Recognition Certificate (GRC). This means that they are legally recognised for all purposes in their confirmed gender. It is a criminal offence under this legislation to disclose information relating to the individual's gender history obtained in an official capacity.

**It is illegal to ask to see a Gender Recognition Certificate.**

### **The Current Legal Position for Transgender individuals In Competitive Sport**

7. Under the Gender Recognition Act 2004, transsexual people are recognised in law as belonging to the gender with which they identify. Legal recognition in the acquired gender entitles a transgender person to participate in all activities appropriate for that gender.

8. The '**Transsexual People and Sport**' Report developed by the Sports Division of the Department of Culture, Media and Sport states that:-

*'Most sports clubs in the UK offer an open membership, and transsexual people can expect to gain access to such clubs in the same way as any other individual.'*

9. The **Equality Act 2010** does however include three types of exception that **\*may\*** be applied in relation to transgender skaters involved in competitive sport:-

- *For sporting competitions where physical strength, stamina or physique are significant factors in determining success or failure, the Act permits separate competitions to be organised for men and 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 competitive activity to restrict participation of a transsexual person in that activity only if this is necessary in a particular case to secure fair competition or the safety of other competitors.*

10. The **'Transsexual People and Sport'** Report also states:-

*'Individual sports are best placed to decide on what basis a situation might arise whereby a transsexual person's participation poses risks to safety or fair competition. The technical and physiological aspects will vary from sport to sport and the application of one model or set of regulations would be inappropriate. Sports are advised to review the principles against which safety of competitors and fair competition are assessed. These should be based on **sound evidence** and ensure no group is unfairly discriminated against.'*

11. Exclusion of transgender people is considered indirect discrimination under the Equality Act, and is permissible only when the legitimate aim is to secure fair competition and the safety of other competitors. Discrimination against transgender people is not acceptable and therefore the bar for public bodies to discriminate in this way is very high. The discrimination must be proportionate – the use of the exception has to be exceptional. Decisions made cannot be based on personal prejudice, but on **evidence** of detriment to others, and even then the public body will have to demonstrate that a less discriminatory way to achieve the objective was not available.

12. The UKRDA appreciates that whilst exceptions in many pieces of legislation exist, they do not require to be utilised. The UKRDA does not consider roller derby to be a sport in which these particular exceptions are required to be applied. The reasons for this include the following:-

- The UKRDA do not believe that transgender skaters pose a safety risk to their competitors. Many transgender skaters currently exist within roller derby, from small to very high profile leagues. These skaters have not been safety risks.

The growth of co-ed derby would not be prevalent in a sport where skaters of mixed anatomies proved to be a safety risk.

- The UKRDA do not believe that we can prove that transgender skaters experience a physical advantage or disadvantage over cis-gendered (non-trans) skaters. In order to maintain fairness and equality, and as well as to avoid legal challenge, the UKRDA feel that we cannot categorically state that skaters who identify as a different gender than that which they were assigned at birth experience a physical advantage and we cannot therefore utilise the legal exceptions. Legislation states that **evidence** is required in order to claim 'unfair advantage'.

In a roller derby team, there exists a spectrum of heights, weights, natural abilities and existing or gained fitness levels. Each skater on a team utilises the strengths they have – whether it be a speedy, explosive jammer compared to a more powerful, offensive style jammer, or a super-agile blocker compared to a powerhouse blocker. It is not therefore relevant to deem a transgender skater ineligible for inclusion in roller derby on the basis of what stage of gender transition they are at or how their physical body presents.

- Some sports, such as boxing, categorise their participants into weight. As roller derby does not utilise this method, the UKRDA does not believe that these factors demonstrate an advantage in the sport.
- Roller derby, at present, is considered an amateur sport, as opposed to professional – and the above exceptions are geared toward professional sports. ‘Professional’ is defined as a sport in which the participants are paid for their participation.

*‘I feel it should be roller derby which surpasses and breaks the boundaries of gender in sports.’*  
*Pash n Dash, Blackpool Roller Derby*

### 13. Points of Contact

UKRDA have an appointed representative who transgender individuals and members can contact, for confidential guidance on any matter. Their responsibilities include:

- Managing any queries with regard to transgender individuals participating in derby
- To implement the UKRDA’s policies and procedures
- Recognise the confidentiality obligations that are associated with transgender individuals
- Undertake all communication with the individual concerned, only sharing information on a needs-led basis.

The UKRDA Transgender Liaison can be contacted via [tgliasion@ukrda.org.uk](mailto:tgliasion@ukrda.org.uk).

UKRDA recommend that as a mark of good practice, members should appoint a league transgender liaison/point of contact that trans individuals can confidentially contact. This person should have sufficient seniority and knowledge of the subject, and how to appropriately manage it.

Consideration should also be given to the attached Derby Life article on ‘How To Support Trans Teammates’.

<http://www.derbylife.com/2013/12/how-to-support-your-trans-teammate/>

### 14. Confidentiality

Section 22 of the Gender Recognition Act 2004 makes it a **criminal offence**, with a substantial fine on conviction, for any person to inappropriately disclose information which they have acquired in an official capacity about the gender history of an individual.

If a person has a Gender Recognition Certificate, then this cannot be disclosed further in a way which identifies the person involved without that person’s express consent or, more exceptionally, by specific court order. This means if an opposing league make a complaint about unfair advantage based on a member of the team being transgender, the UKRDA can

investigate this with the league but they may not at any time disclose to the complaining team who the transgender skater is.

## 15. Complaints

Complaints from other leagues must be handled carefully. It is the duty of members' officials to ensure that confidentiality is not compromised and that members are not subjected to abuse - physical, verbal or exclusionary. The UKRDA will handle complaints from Transgender skaters who feel they have been unfairly treated in accordance with our standard Grievance policies and procedures.

Where opposing leagues make a complaint about unfair advantage (in games governed by policies different to this one), the skater must be prepared to comply with whatever the governing policy is. This needs to be handled sensitively, with due respect to the individual's right to privacy and the law on confidentiality. Again, members should never declare the transgender status of any particular skater in a league.

## 16. Evidence of Identity

Transgender skaters starting within a league should be welcomed on a 'no questions asked' basis. If the skater chooses to discuss their transgender history, this information must be treated with the utmost of confidentiality and only shared with the permission of the skater.

In the event that a skater starts with a league and is 'suspected' of having a transgender history, the skater may not be approached to be asked about this. Transgender skaters must be allowed to live in 'stealth' if they wish, and if they are joining a league they should be taken on face value that this is their identity.

*'I've told a couple of people but I'm not out to most of the league. However whether or not they suspect, everyone's been brilliant'. Leeds Roller Dolls*

It should always be remembered that gender reassignment is a complex process based on genuine medical need. It is not something people undertake lightly or in order to gain competitive advantage.

Skaters will be received on the same 'no-questions-asked' basis for all UKRDA sanctioned games and national selection try-outs.

Transgender skaters will accept the responsibility themselves that games played to any other governing body sanctioning requirements may be subject to additional and potentially different transgender policies.

## 17. Hormo

*'I emailed Rainy City and told them of my trans status. They assured me it was no issue; I'd be most welcome. I just couldn't believe how helpful, proactive and supportive they were. In short, the best thing I have ever done. It's made me feel valued, accepted, given me so much in confidence, friends and great times' Nitro-Jen, Rainy City Roller Girls*

For sanctioned games and national selection, the UKRDA do not feel it is appropriate to ask transgender individuals for evidence of hormone levels. The **Equality Act 2010** states that the requirement for medical supervision to take place as part of a process of 'gender reassignment' has been removed. This means that transgender individuals' rights to be legally identified in their acquired gender, without having to go through medical or surgical procedures, is protected. If, for example, we have a proviso that transgender women can only compete if they prove a female hormone level, we are effectively saying that we do not consider the skater as 'female' unless she can do this. This would be discriminatory – society views her as female, and legally, she is. In addition, many cis females may not have the 'acceptable' levels of female hormones due to a medical condition.

There are many reasons why transgender individuals may not be able to access medical or surgical transitions.

*'In some cases, surgery may be denied to a person or they may not be able to access funding for this from their local NHS service. Treatment may be denied for many reasons; high blood pressure for example is a very common one. Diabetes is problematic for trans-men. GPs who take their 'do no harm' oath seriously may refuse to prescribe hormones to someone as the side effects may exacerbate an existing condition. Hormone treatment may also have to be postponed for surgery or other courses of medication.*

*There will also be born females on many teams who do not have 'normal' female hormone levels anyway – for example, up to a third of women suffer from some degree of poly-cystic ovary syndrome, which affects hormone levels and female gender characteristics. Presumably these women would not be ejected from the sport upon discovery of these levels.'*

*Alex Wilde, Lincolnshire Bombers*

## **18. Trying Out and Selection**

Selection may be sensitive for transgender applicants, who may have experienced much transphobia previously. They may fear being judged on the basis of their appearance and perceived conformity to gender stereotypes. By highlighting the UKRDA's commitment to equality and diversity, selection panels should seek to help reassure applicants that they will be treated fairly.

## **19. Use of Facilities**

Transgender individuals should be able to use gender-appropriate facilities; ie facilities pertaining to their acquired gender.

Designating some gender-neutral facilities is a sensible approach where this can be accommodated, and may also be welcomed by people with a non-binary gender or who are genderfluid. It is recognised that this may be difficult to accommodate in hired spaces.



Requiring a transgender individual to use facilities designated for disabled people is not acceptable. It is also considered discriminatory under the terms of the Equality Act 2010.

**20. Transitioning Whilst in A League**

A skater transitioning to a gender different to that which they were previously skating under, will become ineligible to be a member of the former single-gendered league at the point at which they begin living full time in their acquired gender. It should be noted that during this time a transgender person will feel vulnerable, so members should give as much support as possible and ensure this ending is a positive experience for the skater, marking part of a start to their new lives.

**21. What About Intersex/Genderqueer/Genderfluid/Genderneutral/Bigendered Skaters?**

If individuals with these identities have joined a female team, presumably it's because they are happy to be seen as female in the context of roller derby. Similarly with someone who joins a male team. It's important to note the pronouns that individuals with a genderqueer/fluid/neutral or bi-gendered identity prefer, and not to make assumptions about this. It's simply a case of asking people how they would like to be addressed - eg he/she/they etc.

**Guidance Developed: Mar 2014**

**Policy and Guidance produced by Jodie Stanley, Glasgow Roller Derby/LGBT Youth Scotland**

**The UKRDA would like to thank all who contributed to the guidance as part of the consultation: Alex Wilde of Lincolnshire Bombers; Jenny Green of Rainy City Roller Girls; Linley Gallagher of Blackpool Roller Derby; M of Leeds Roller Derby.**

**For further info, please contact:**

Scottish Transgender Alliance <http://www.scottishtrans.org/>

The Gender Trust <http://gendertrust.org.uk/>

LGBT Youth Scotland [www.lgbtyouth.org](http://www.lgbtyouth.org)