

## Draft Policy for Transgender Participation

This policy has been prepared after a comprehensive review of the law and relevant guidance, including *The UK's Sports Councils Guidance for Transgender Inclusion in Domestic Sport (2021)*, as well as research and consultation with women participants within our sport, and consultation with other stakeholders interested parties.

Compliance with the Equality Act 2010 and the Gender Recognition Act 2004 permits that 'gender- affected' sports are organised in single-sex categories based on the protected characteristic of 'sex'.

People whose biological sex is male with the protected characteristic of 'gender reassignment' can be lawfully excluded from female single-sex activities even if they have changed their legal sex by obtaining a Gender Recognition Certificate 'if it is necessary to do so to secure in relation to the activity— (a) fair competition, or (b) the safety of competitors'. This applies to sports in which 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'.

Reducing testosterone in males is not sufficient to eliminate male performance advantage in relation to 'physical strength, stamina or physique'. Further, given men are not considered for inclusion in female sport on an individual 'case-by-case' basis neither can an individual 'case-by-case' approach be fair or justified in relation to the category of transwomen. Including individual transwomen in female sport undermines the protected characteristic of sex, disadvantages all girls and women and therefore, indirectly discriminates against them as a category. Therefore, this cannot be considered 'a proportionate way of meeting a legitimate end' and is not objectively justified.

Consequently, alternative proposals for the participation of transgender people in 'gender-affected' sports need to be considered. One alternative is to convert the male category to 'open entry' to include males, transmen who may be taking testosterone, and transwomen who retain a male competitive advantage having gone through male puberty and because of muscle memory, regardless of circulating testosterone levels. In addition, this removes the pressure for biological males who identify as women to undergo hormonal and surgical intervention prior to puberty which may render them infertile and which the vast majority of the transgender population do not wish to undertake.

The WFA policy is therefore clear and is summarised below:-

- The WFA welcomes and supports all coaches, officials and volunteers who identify as transgender and does not tolerate transphobic behaviour.
- Clubs will be encouraged to allow transgender players to participate in their mixed or men's recreational sessions.
- Clubs should offer male, female and mixed sessions so as to ensure that an option to play is available for everyone.
- Transgender players will be allowed to participate in the Men's (open) National Cup.
- Transgender (male at birth) players will **not** be allowed to participate in the Women's National Cup.
- Transgender (male at birth) players will **not** be selected for the England women's squad
- Transgender (female at birth) players, *provided they are not taking testosterone*, may participate in the Women's National Cup and the England Women's squad, subject to UKAD Rules.

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Finally, this ensures compliance with the Equality Act in relation to the protected characteristic of sex and is objectively justified to safeguard meaningful sports participation and competition.

Single-sex sport categories in 'gender-affected' sports mean that girls and women can be confident of fair play and a level playing field, which is at the very heart of sport.

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***Approved by the Board on 19<sup>th</sup> December 2022.***