



ENGLAND AND WALES CRICKET BOARD POLICY ON TRANS PEOPLE PLAYING CRICKET

INTRODUCTION

1. The England and Wales Cricket Board (the ECB) is the national governing body of cricket in England and Wales.
2. The ECB is committed to the principles of diversity and inclusion in cricket.
3. The ECB aims to ensure that all people, irrespective of their:
 - 3.1 age;
 - 3.2 disability;
 - 3.3 gender reassignment;
 - 3.4 marriage or civil partnership status;
 - 3.5 maternity, pregnancy or breastfeeding status;
 - 3.6 race (including ethnic origin, nationality and colour);
 - 3.7 religion or beliefs;
 - 3.8 sex;
 - 3.9 sexual orientation; or
 - 3.10 socio-economic circumstances;have a genuine and equal opportunity to participate in cricket in England and Wales at all levels and in all roles and that they are treated fairly, equally and with respect.
4. The aim of this Policy is to ensure that trans people are given every reasonable opportunity to play cricket in England and Wales up to the highest possible level. This objective must be balanced with the ECB's duty to ensure fairness and to maintain the integrity of competitions, leagues and matches and the cricket development structures in these competitions and matches. The ECB is piloting a Disparity Policy during the 2022 season, which seeks to provide consistency across the recreational game for determining matters of disparity between players when the strength, stamina and/or physique of any player causes a safety or fairness issue. The Disparity Policy is not intended to handle any matters of eligibility relating to trans players, although it may be the case that there is some crossover where safety and/or fairness is questioned because of the strength, stamina or physique of any of the players involved. This does not change the policy relating to the eligibility of trans players at all levels of the game, which remains prescribed by regulations 10 to 13 below.⁵ In preparing and maintaining this Policy, the ECB has undertaken a review of the legal requirements relating to trans people, and has considered existing sports policy as well as the regulations of the International Olympic Committee and the International Cricket Council (the ICC) so far as they relate to trans people.

COMMITMENT OF THE ECB TO TRANS PEOPLE

6. The ECB makes the following commitments:
 - 6.1 that it fully supports trans people and their right to play cricket;
 - 6.2 that it recognises it has a responsibility to ensure that trans people are treated with dignity, fairness and respect by the ECB, all Clubs and all of their respective employees;
 - 6.3 that it will ensure the provision of an open and inclusive environment for all trans people to be able to play cricket in the way in which they feel most comfortable;
 - 6.4 that it will ensure that any training in relation to inclusion and diversity that the ECB runs will provide appropriate guidance about trans people;
 - 6.5 in the event that the behaviour and/or actions of any ECB employee or Club are considered to be inappropriate and/or offensive towards any trans person, the ECB will investigate that matter and, where appropriate, discipline (or procure that the relevant Club) disciplines) the relevant individual under the applicable disciplinary policies or other regulations; and
 - 6.6 that it will promote to all other cricket organisations, whether operating under the jurisdiction of the ECB or otherwise, that they ensure that trans people are treated with dignity, fairness and respect and aim to provide an open and inclusive environment for all trans people to be able to play cricket in the way in which they feel most comfortable.

SCOPE AND DEFINITIONS

7. This Policy uses the definitions in the ECB Safeguarding Procedure and a number of terms associated with trans people that are specific to this Policy. The ECB recognises that trans people identify themselves using a broad array of terms and have sought to be as inclusive as possible by using the following terms:
 - 7.1 **female only** – a cricket competition, league or match governed by the ECB which are available for a woman including a trans woman to compete in;
 - 7.2 **mixed gender** – a cricket competition, league or match governed by the ECB in which a team:
 - a) must consist of both:
 - i) one or more women including trans women; and
 - ii) one or more men including trans men; and
 - b) may consist of one or more individuals identifying themselves as non-binary.;



- 7.3 **non-binary** – a term used to describe someone whose gender identity doesn't sit comfortably with “man” or “woman”;
 - 7.4 **open** – a cricket competition, league or match governed by the ECB in which any individual is eligible to compete in without any restriction relating to gender or gender identity;
 - 7.5 **trans person** – a person whose gender is not the same as, or does not sit comfortably with, the gender they were assigned at birth including, but not limited to, a trans man or a trans woman;
 - 7.6 **trans man** – a term used to describe someone who is assigned female at birth but identifies and lives as a man; and
 - 7.7 **trans woman** – a term used to describe someone who is assigned male at birth but identifies and lives as a woman.
8. This Policy specifically relates to trans people who play or seek to play cricket at or for any Club at any level of professional and recreational cricket in England and Wales. It does not specifically apply to trans people who are coaches, match officials, volunteers or have any other role within the sport of cricket, although the ECB also expects all Clubs to apply the same principles of inclusion to any such individuals.
9. This Policy does not apply to any cricket covered by the ICC's Player Eligibility Regulations or to any other cricket competitions or matches which are not governed by the ECB.

ELIGIBILITY

- 10. All cricket competitions, leagues and matches which are governed by the ECB are either female only, mixed gender or open. Players who reach the required standard may also play in competitions and matches at an international level, which are governed by the ICC.
- 11. For any recreational Club which plays in any cricket competition, league or match which is governed by the ECB, the eligibility of a trans person is determined as follows:
 - 11.1 any trans person may compete in any mixed gender competition, league or match in the gender with which they identify;
 - 11.2 a trans man may compete in any open competition, league or match and should be accepted in the gender with which they identify, but may not compete in any female only competition, league or match;
 - 11.3 a trans woman may compete in any open competition, league or match or any female only competition, league or match and should be accepted in the gender with which they identify; and
 - 11.4 an individual identifying themselves as non-binary may compete in any open competition, league or match in the gender category that they feel most comfortable with but may not compete in any female only competition, league or match.

12. For any professional Club and England pathway teams, the eligibility of a trans person is determined as follows:
- 12.1 any trans person may compete in any mixed gender competition, league or match in the gender with which they identify;
 - 12.2 a trans man may compete in any open competition, league or match, and should be accepted in the gender with which they identify, but may not compete in any female-only competition, league or match;
 - 12.3 a trans woman may compete in any open competition, league or match or any female-only competition, league or match and should be accepted in the gender with which they identify subject to the following:
 - (a) a key function of the competitions, leagues and matches included within this section is to provide an environment for cricketers to develop their skills and to support them in achieving any potential they have to represent England in international competitions;
 - (b) the ECB has a duty to ensure fairness and maintain the integrity of these elite level competitions, leagues and matches and the cricketer development structures in these competitions and matches;
 - (c) as a result, all trans women seeking to compete in these elite level competitions, leagues and matches will be required to apply to the ECB for written clearance to participate using the following procedure:
 - (i) the trans woman should write to the ECB Head of Women's Domestic Cricket (jo.kirk@ecb.co.uk) to explain the competition(s) or match(es) in which they wish to participate and provide any relevant evidence to support that application;
 - (ii) the ECB Head of Women's Domestic Cricket will refer the matter to a panel convened by the ECB which shall consider the evidence on a case-by-case basis and will decide whether the trans woman should receive clearance to play in the requested competition(s) and match(es). The panel may invite the individual to attend a meeting with it to discuss the matter, at which meeting the individual may be accompanied;
 - (iii) no trans woman shall be entitled to play in any female-only competitions or matches until such time as they have received written clearance to do so from the ECB ; and
 - (iv) any trans woman who wishes to appeal a decision by the ECB to decline clearance must be made within 14 days of receipt of the ECB's written decision to a sole arbitrator appointed in accordance with the Arbitration Rules of Sport Resolutions (UK), whose role shall be limited to a consideration of whether the decision being appealed



was “Wednesbury unreasonable” and whose decision shall be final and binding;

- 12.4 an individual identifying themselves as non-binary may compete in any open competition, league or match in the gender category that they feel most comfortable with but may not compete in any female only competition, league or match.
13. For international competitions sanctioned and run by the ICC, a trans person should consult the ICC’s Player Eligibility Regulations. The ICC uses a “medical” model for governing eligibility in contrast to the “social” model used by the ECB in this Policy. However, the ECB is obliged to comply with the requirements of the ICC and will ensure that any trans person eligible to represent any England team in international competitions sanctioned and run by the ICC meets those requirements. A trans person will not be permitted to represent England in such competitions unless and until the ICC is satisfied that their conditions for participation are met.

DATA PROTECTION

14. All documentation that contains information about a person’s trans identity will be managed in accordance with the ECB’s policies regarding the management of sensitive and confidential information, as well as in accordance with the Gender Recognition Act 2004 and any relevant data protection law and regulations in force in England and Wales at any time.
15. Any requests for information by a trans person regarding their cricketing status, and their approval to play cricket in certain competitions sanctioned and/or run by the ECB or the ICC, should be made by the relevant trans person concerned, except where the individual is under the age of 18 in which case permission of a parent or guardian should also be provided unless the ECB is satisfied that the individual is mature enough and has sufficient understanding of the situation to make their own decision.
16. Any requests for information by the ECB regarding the eligibility of a trans person should be made by the ECB to the relevant individual concerned, except where the individual is under the age of 18 in which case the request should be made to the relevant parent or guardian unless the ECB is satisfied that the individual is mature enough and has sufficient understanding of the nature of the consent required to give the necessary, informed consent.
17. The ECB will only share information with relevant third parties on a need to know basis for the purpose of enabling it to make player eligibility decisions under this Policy.