

ECB Policy on Trans People Playing Cricket

Frequently Asked Questions

These FAQs are intended to help answer some of the initial questions you might have regarding the ECB's **Policy on Trans People Playing Cricket**. Fuller guidance will be published in due course which will expand on the points below and cover other topics too.

In the meantime, if you have an immediate query that isn't covered here, please email diversitymatters@ecb.co.uk

FAQs

1. Can you explain more about what 'being trans' means?
2. Is 'trans' an OK term to use about someone?
3. What's the 'social model' as opposed to the 'medical model', (paragraph 13) and why is the ECB using it?
4. How does the policy ensure fairness?
5. Are there some top tips to help me get the language right?
6. How do we include trans people in relation to toilets and changing facilities?
7. What should I do if someone tells me they are trans, or I think they might be trans?
8. The policy mentions 'relevant evidence' and 'assessment' in relation to trans women competing in professional pathways (section 12.3 (c)(i) & (iii)) – what evidence is relevant and what assessment is carried out?
9. What should I do if I see a trans person is being poorly treated, or a trans person tells me they are experiencing problems at the club?
10. How does the new ECB Disparity Policy fit with the ECB Policy on Trans People Playing Cricket?

1. Can you explain more about what 'being trans' means?

People who feel that the sex they were assigned at birth does not match or sit easily with their own sense of gender (their *gender identity*) may use the term 'trans' to describe themselves.

This includes people with a very wide range of different experiences, such as:

- People assigned male at birth who know themselves to be women (sometimes called trans women);
- People assigned female at birth who know themselves to be men (sometimes called trans men)
- People who do not consider themselves as either men or women (sometimes called *non-binary* people)
- People who may experience / express different genders at different times (sometimes called *gender fluid* people).

Nowadays we are starting to recognise that sex and gender are a lot more complex than most of us have been brought up to believe. In particular:

- Sex (our physical and biological make-up) and gender identity (our inner sense of self as, for example, a man or woman) are both on a spectrum and don't neatly divide into just two categories of male and female.
- We also know that sex does not automatically determine gender identity (being physically male doesn't always mean a person is a boy / man). Sex and gender are different and they don't always align in the way we expect.

It's really important to know these two things, as they are crucial to understanding trans people and treating them fairly and inclusively. Most of the difficulties and barriers trans people encounter are rooted in misunderstandings of these two points.

Being trans is simply a natural variation - part of the ordinary diversity of life experiences, roughly as common globally as having red hair, affecting around 1 in 100 people. It is not a mental illness. However, trans people can feel an enormous social pressure to behave in a way that they do not wish to, and this can cause discomfort and distress.

Some trans people will know from as early as they can remember that they are not the gender other people assumed they would be. Others may question their gender for a period of time before coming to an understanding of who they are. People may come to realise they are trans at any age.

Some trans people *transition*. Transitioning means taking steps to move from the *gender expression* associated with your assigned sex to one that accords with your gender identity. This can refer to social, medical and/or legal changes.

Some trans people change social aspects such as their name, title (Mr, Ms etc), pronoun (he, she, they etc), clothes, hair style, speech and/or body language, and/or any other features of their presentation. Some trans people undergo medical intervention such as taking hormones and/or having surgery. Some trans people use a piece of law called the Gender Recognition Act to change their legal gender. Trans people may use some or all of these things in combination.

Whether, how and at what pace a trans person transitions is individual to them.

Young people can only transition socially – broadly they cannot access “gender affirming” hormones (before age 16) or surgery (before age 17 / 18), or (currently) change their legal gender (before age 18).

The extent and nature of different transitions does not make some people ‘more trans’ or more ‘genuine’ or ‘serious’ than others. In particular everyone’s gender, whether trans or not, is equally valid and worthy of respect.

There is plenty more to learn about trans people and the diversity of their lives and experiences. Resources and organisations that can help you will be listed in the forthcoming guidance.

2. Is 'Trans' an OK term to use about someone?

We have used the term 'trans' in these FAQs because it is one of the broadest and most widely accepted words in current use. It's therefore useful for talking in general terms – for example, in policies, FAQs, on posters advertising support, and when discussing how to include trans people generally.

Even so, no term is perfect. 'Trans' is not a term everyone uses personally, and some people use other terms to describe themselves as well as or instead of 'trans'. In particular, some people who transition will regard themselves as men or women afterwards and no longer consider themselves trans.

This guidance is about supporting and including everyone who has an experience of gender like, or similar to, those outlined at the start of **FAQ #1**, whatever term(s) they use about themselves.

We recognise and respect everyone's right to choose how they are described, so it's best not to label someone as trans. Instead, ask how they wish to be described, or follow their lead if they use a descriptive term about themselves.

Bear in mind that most of the time you don't need to know how someone describes themselves – you're interacting with them as an individual, using their name and pronoun, so only ask if you really need to.

'Trans' and similar words are descriptive terms and should be used as such, for example, "a trans person", rather than "a trans".

3. What's the 'social model' as opposed to the 'medical model', (paragraph 13) and why is the ECB using it?

As described in **FAQ #1**, there are several ways people can transition – socially, medically and legally.

- **Social transition** means changing the social and cultural cues you use to show your gender to the world (your *gender expression*).
- **Medical transition** means making changes to your body, usually through taking hormones and/or having surgery
- **Legal transition** means changing your legal sex as shown on your birth certificate through a specific legal process called *Gender Recognition*.

Some people may not think of themselves as 'transitioning'. For example, some non-binary people may come out as non-binary and start to use 'they'/'them' pronouns, but not see this as a transition. Likewise, people who may use different gender expressions at different times may not think in those terms.

The social model recognises that everyone should be respected for who they are, and be included on that basis.

Taking a social approach means that respect and inclusion does not depend on whether someone is able to have (or wants to have) any medical intervention.

Not all trans people can, or wish to, transition medically, and taking a social approach means that **all** trans people can be included and welcomed to play cricket.

A social model is the core basis for inclusion under the Equality Act 2010.

At international level, the ICC rules apply, and these still use a medical model. When a trans player progressing along a development pathway reaches a point at which future selection for the England women's team becomes a possibility, the ECB will engage them in sensitive and appropriate discussion about how that medical model will impact them and their ability to progress in cricket.
(See also **FAQ #8**)

4. How does the policy ensure fairness?

Keeping competition fair is important in all sports, including cricket.

There are many factors and attributes that affect someone's cricketing abilities. These include someone's physicality (height, flexibility, balance, hand/eye coordination, musculature, etc); their age; their mental health, attitude and resilience; the quality of coaching they receive; how long they spend training; the healthcare (physio etc) they receive; previous injuries; their sleep; their nutrition and more.

Some of these are influenced by culture, some by funding/money, some by genetics, some by sex/gender – and there can be a complex relationship between these influences.

In general, we consider variations across these factors to be 'fair' – just part of the ordinary diversity of life. In some instances, we segregate by, for example, age, or gender, or weight, to accommodate groups of people of differing average capacity.

Sometimes, when people think of trans people taking part in sport, the idea of fairness gets linked with 'being average' in physical terms. But of course, it's not necessary to be physically average to play a sport!

It is important to distinguish between the **average** capacity of people of a particular group and the **overall range** of capacity of individuals in that group. So we do not say, for example, that only women of average capacity can play women's cricket – we say all women can play women's cricket. In fact, we are keen to find the ones who are not average, but exceptional!

ECB recognises that trans people's attributes fall within the wide spectrum of possibilities for their gender and therefore form an ordinary, fair part of that diverse picture.

5. Are there some top tips to help me get the language right?

It's quite straightforward to get the language right once you know a few key basics.

The best tips here are:

- Avoid assumptions about anyone's gender and start with gender neutral language for everyone
- Take your lead from each individual person; ask if you need to
- Once you know a person's chosen terms (such as their name, pronoun, title), use those terms
- Be willing to learn a few new terms / use old terms differently
- Acknowledge mistakes briefly, apologise and move on

The most important language for most trans people is their name, their pronoun (e.g. he, she, they) and, if they use one, their title (e.g. Mr, Miss, Mx). These words are usually gendered, and so getting them wrong is sometimes called '*misgendering*', for example, referring to a woman as "Sir" or "he", or describing a non-binary person as "that lady over there".

Just like everyone else, trans people want those speaking with or about them to use terms that reflect and acknowledge their gender identity. So, for example, a trans man will expect to be referred to with his male name and male pronouns (he, him etc).

Getting this right means you need to find out what people's choices are. We're brought up to think that we can assume other people's gender based on how they look and sound, but that's not always the case. When we make these assumptions, we get it wrong some of the time, and not just for trans people.

We take the trouble to ask about people's names, and often titles too (we don't automatically know if a woman uses Miss, Mrs, Ms, Doctor, Professor, Reverend, something else or no title, for example) and we can do this for pronouns too.

A good tip here is to introduce yourself with your own pronoun – that signals to the other person that you're open to hearing their pronoun in return. Or you can just ask "Can I check what pronouns you use?" or "How do you like to be referred to – he, she, they...?"

Before you've had the chance to find out someone's chosen language, start by using gender neutral language. It takes a little thought and practice, but it's a very supportive thing to do. It's simple to replace "That woman over there" with "That player (or person) over there", or to say "There's a visitor here to see you" instead of "There's a gentleman here to see you". You can also say "Hello, everyone," instead of "Hello, ladies," and it's perfectly polite to say "Good morning, how can I help you?" instead of "Good morning Sir (or Madam)..."

Non-binary people often ask others to use gender neutral language when referring to them. A person may ask to be referred to as 'they' (singular) and

use the neutral title Mx (usually pronounced 'Mix' or 'Mux') which is now widely available, including on driving licenses.

It takes a little while to get familiar with new language, and it's important to recognise that genuine mistakes happen. We can all inadvertently use a term, a phrase, or a question that someone reacts to – that's not trans-specific.

In particular, if you're used to using a previous name and pronouns for someone, it's not surprising if you slip up a few times to start with, just as you're likely to make a few initial mistakes if someone changes their name when they get married.

If that happens, it's perfectly acceptable to apologise and move on. Don't over-apologise or try to rationalise any mistake; equally don't over-worry or expect to get it right first time. Do make every effort to get it right as soon as you can.

If someone reacts strongly to being misgendered remember that a strong reaction often reflects multiple experiences of being referred to incorrectly and corresponding levels of frustration. Be generous and try not to react defensively.

Someone may also react strongly to a question e.g. on being asked their pronoun, they may say "Isn't it obvious I'm a woman?"; this can arise because at the moment, people only tend to check pronouns when they think a trans person is in front of them. If you make it your common practice to ask everyone their pronouns, then trans people won't feel singled out. However, it is still better to ask than to misgender someone.

6. How do we include trans people in relation to toilets and changing facilities?

Trans people should have access to toilets, showers and changing rooms that accord with their gender identity wherever possible.

Individual trans people are likely to have different opinions and preferences about what would make them feel comfortable, included, and safe at your club, so if someone tells you they are trans, it's good practice to ask them what would work best for them and aim to accommodate their preferred option.

It's useful to note the law supports you in making reasonable special arrangements.

In 'open' cricket, where no gender restrictions apply, there can often be a mix of players and many clubs are used to working out practical arrangements, according to the facilities available to them.

Having the discussions mentioned above so that the club knows what is preferred by someone, and how easily this can be accommodated, will make the situation simpler and easier for all.

All toilets have cubicles which offer privacy. However, trans people often want privacy when showering or changing too. There are all kinds of reasons why people might want a more private space, so addressing this issue ensures there are options for everyone.

Whatever options you can create, trans people should not be asked to use a toilet as a changing room.

Concerns from other members of the club must be handled carefully. It may be that other members do not wish to share facilities with a trans person and their concerns should be listened to. Often a simple discussion or assurance may help to alleviate their concerns. It is the club's responsibility to ensure that everyone is included.

If you have remaining queries after reading this guidance please email diversitymatters@ecb.co.uk

7. What should I do if someone tells me they are trans, or I think they might be trans?

If someone tells you they are (or think they might be) trans, first just listen. Thank them for sharing their experience with you and recognise the trust they place in you by telling you such personal information.

Reassure them that they are welcome in all aspects of cricket – in the team, in the facilities, in the social spaces. Sometimes trans people are worried about their acceptance at a club and your reassurance is really important.

Confirm that you will respect their confidentiality and won't share the information with anyone else unless they specifically want you to do so on their behalf. There is no need to record the information anywhere.

Ask how you can support them. They may be telling you just because they want someone to know, but don't actually want you to do anything; they may want your help with something, for example, telling their team mates; or they may not be sure just yet, so let them know they can come to you at any time.

They may be telling you because they are about to transition and wish to talk about changing the team they play on. In this case make sure they know the ECB supports this, and tell them where they can find the policy on Trans People Playing Cricket.

Later in 2019 the ECB will issue fuller guidance and information for cricket clubs and trans people and you will then be able to signpost to that too

If someone transitions whilst a member of your club, this means you need to update your records. In general, old records should be destroyed and new ones created. There may be rare instances where a document with someone's old details needs to be kept and in such circumstances those records should be secured with minimum need-to-know access.

It's not appropriate to speculate on whether someone might be trans. Whether they are or not doesn't affect the fact that they are welcome at the club or eligible to play. It's not OK to ask someone if they are trans, even if you want to know in order to offer support. If they want to tell you, and feel safe and comfortable to do so, they will.

Trans people's confidentiality is protected by the law. General laws such as the General Data Protection Regulations 2018 (GDPR) and common law apply. For some trans people, the Gender Recognition Act 2004 (GRA) provides additional protections.

A breach of confidentiality can have serious consequences for trans people – in some cases it can make their life unsafe and place them at risk.

8. The policy mentions 'relevant evidence' and 'assessment' in relation to trans women competing in professional pathways (section 12.3 (c)(i) & (iii)) – what evidence is relevant and what assessment is carried out?

As mentioned in **FAQ #3**, whilst all cricket governed by the ECB uses the social model of inclusion, international women's cricket uses a medical model.

When someone is on a professional pathway they are moving toward the point where they may be selected to play for England and encounter the requirements of that medical model.

These reflect the International Olympic Committee (IOC) regulations which set requirements around consistency of hormone levels being under a specified maximum limit over a period of time, for those wishing to compete in women's cricket.

The purpose of clause 12 of the policy is, in the first instance, to enable the ECB to have appropriately sensitive and supportive conversations with an affected player to discuss her aspirations, wishes and intentions and how the medical model affects those.

The initial evidence required is therefore proof of someone's selection for the women's professional pathway, and the assessment is an exploration with that person regarding the likelihood of her meeting the requirements of the medical model.

If someone goes forward to play for England and therefore needs to meet the requirements of the medical model, that is done directly with the ICC, with the support of the ECB if needed or desired.

In order for a selection for England to be confirmed, the player will then need to provide the ICC with appropriate evidence of hormone levels. The practicalities of this will have been discussed and agreed at the earlier stage.

9. What should I do if I see a trans person is being poorly treated, or a trans person tells me they are experiencing problems at the club?

It is important to take a stand and challenge *any* unacceptable behaviour at your club, whatever kind of behaviour that is and whoever it is directed towards.

If your club has a Code of Conduct or similar rules that list unacceptable behaviours such as racism, sexism and homophobia, you should make sure transphobia is included in the list.

If you don't have such a Code, you may wish to develop and adopt one. Having basic ground rules supports everyone to challenge poor behaviour and makes sure everyone is held accountable in a consistent way.

Whether or not you have a Code, you still need to address poor behaviours.

If a trans person tells you they are experiencing problems, it is best to ask how they might like you to approach the situation, and, if it's possible, fair and reasonable, to address it in the way they would find most supportive.

If you see a trans person being harassed, bullied, trolled online, 'outed' (their trans experience / history being shared without their consent), or otherwise poorly treated, you should step in and not be a bystander.

We all need allies, and everyone has a part to play in making their club a safe and welcoming place for everybody.

10. How does the new ECB Disparity Policy fit with the ECB Policy on Trans People Playing Cricket?

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 eligibility of trans players is still determined by reference to the relevant provisions in the ECB Policy on Trans People Playing Cricket and the Disparity Policy does not affect this as it is not intended to handle any matters of eligibility relating to trans players.

It may be the case that there is occasional crossover at the recreational level of the game when, for example, a trans woman self-identifies to compete in any open competition, league or match (as prescribed by Regulation 11.3 of the ECB Policy on Trans People Playing Cricket) and there is some question over safety and/or fairness as a result 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, which allows for self-identification but, in accordance with the ECB's duty to ensure fairness and maintain integrity, there may be consideration of the matter from a safety perspective.

To be clear, such a determination would not be required for all trans players self-identifying in recreational cricket and would only be the case if there was a disparity that warranted determination by a safety panel in accordance with the Disparity Policy. To use another example for which the Disparity Policy is mainly intended to operate, there would be determination of a disparity by a safety panel if, for example, a professional player (who is eligible to play at a recreational game) turned up to play at a Saturday recreational game and caused a fairness or safety concern as a result of the disparity in strength, stamina and/or physique between that player and the other players due to play.