

## Inclusion Policy in respect of transgender people entering Wales Golf Competitions

### **1 AIM OF POLICY**

- 1.1 Wales Golf is committed to equality issues and welcomes the participation of all players in golfing competitions. This Policy is in accordance with the Gender Recognition Act 2004 (the 2004 Act) and the Equality Act 2010 in so far as it is relevant to the sport of golf and seeks to secure fair competition and the safety of competitors for the purposes of the 2004 Act.
- 1.2 This Policy is the Gender Policy referred to in the Conditions of Competition for all Wales Golf Championships. Its aim is to include all transgender players. It sets out the circumstances in which transgender players may participate in events organised and managed by Wales Golf.
- 1.3 For the purposes of this Policy any reference to the 'Wales Golf Championship Committee' (the Championship Committee) shall refer to a sub-committee with responsibility for taking decisions relating to a player's gender, after consultation with a medical expert. Such Sub Committee shall consist of three members; the Wales Golf Championship Manager, Chairman of Wales Golf Championships & Rules Committee (or their nominees) and a third person of their choosing.
- 1.4 For the purposes of this Policy any reference to a 'medical expert' shall refer to an individual with appropriate medical expertise as appointed by Wales Golf from time to time.
- 1.5 For the purposes of this Policy any reference to a 'competition' shall refer to the particular competition organised and officiated by Wales Golf that the player, whose gender status is being questioned, wishes to enter.
- 1.6 This policy has been prepared specifically for Wales Golf. Other associations and golf clubs should take separate legal advice in the event that they wish to adopt a gender policy appropriate for their specific needs.

### **2 ENTITLEMENT TO COMPETE**

- 2.1 It shall be a condition of any competition organised by Wales Golf that players must be of the gender status that is specific to the competition.
- 2.2 Players are eligible to play according to their sex assigned at birth or, where re-assignment has occurred, are eligible according to their affirmed gender.

### **3 PROOF OF GENDER**

- 3.1 Wales Golf reserves the right to carry out a confidential case-by-case evaluation at any time whether prior to or after the competition if in its opinion such an evaluation is or becomes necessary.

- 3.2 If, in the opinion of the Wales Golf Championship Committee there is uncertainty as to a player's gender status, either prior to or once a competition has commenced, then Wales Golf may, in the absence of other alternatives, ask a player to provide proof of gender status, in confidence, to a medical expert.

In these circumstances a player will only be asked to provide proof of gender status if, in the view of the Wales Golf Championship Committee, the player's gender status may give rise to a gender related advantage over other players having due regard to the level and format of the championship being played.

Such a request for proof of gender status must be made in writing to the player and with regard to the player's right to confidentiality. Any requests should include the following information:

- (a) Details of the types of proof required to establish the gender status of a player (as detailed in clause 3.3); and
  - (b) That a player has a period of 5 working days within which to respond, albeit that Wales Golf may authorise extensions to this time limit as required.
- 3.3 Any one or more of the following shall be regarded as proof of a player's gender status:
- (a) Evidence that appropriate hormone therapy has been administered in a verifiable manner and for the sufficient length of time to minimise sex related advantages in competitions.
  - (b) If a player has and is willing to provide evidence of legal recognition (i.e. in the UK a Gender Recognition Certificate) of a player's re-assigned gender status as conferred by an appropriate official authority. However it is not required in order to establish gender status.
- 3.4 A player who has been requested to provide proof of gender and has done so in accordance with clauses 3.1-3.3 of this Policy shall be eligible to participate in the competition. The Wales Golf Championship Committee shall take a decision as to a player's eligibility for competition after consultation with the medical expert.
- 3.5 A player who has been requested to provide proof of gender but has not done so in accordance with clauses 3.1-3.3 of this Policy may not be entitled to participate in the competition other than at the discretion of the Wales Golf Championship Committee, after consultation with the medical expert.

- 3.6 In the event that proof of gender is required once a competition has commenced, the player shall continue to participate in the competition at the discretion of the Wales Golf Championship Committee until a decision is reached in accordance with this Policy. Where the decision is that proof of gender status is not sufficient the player will be disqualified. In the event that a player is disqualified from the competition then any award, prize and/or ranking arising from participation in the competition shall be forfeited.
- 3.7 In the event that proof of gender is required after a competition has closed, and a decision is taken that a player has not provided proof of gender in accordance with clauses 3.1-3.3 of this Policy, the player will be disqualified from the competition if the decision after careful investigation (including the appeals process if invoked) is that the player knowingly deceived Wales Golf. In the event that a player is disqualified from the competition then any award, prize and/or ranking arising from participation in the competition shall be forfeited.
- 3.8 The Wales Golf Championship Committee must inform the player of any decision taken under clauses 3.5 to 3.7, the reasons for it and the right to appeal any decision to the Appeals Committee under this Policy.

#### **4 APPEAL PROCESS**

- 4.1 Any decision by the Wales Golf Championship Committee:-
- (a) Refusing a player permission to participate in the competition; or
  - (b) Disqualifying or forfeiting any award, prize or ranking awarded to the player, may be appealed by the player to the Wales Golf Appeals Panel. The Appeals Panel will consist of three members to be determined by the Wales Golf Chief Executive or his nominee.
- 4.2 The Appeals Panel shall take decisions by majority vote, after consultation with a medical expert who shall not be the same medical expert involved in the initial consultation.
- 4.3 An appeal under clause 4.1 shall be made in writing by the player to the Appeals Panel within 5 working days of the date of the initial decision. Any written appeal request shall also include a statement by the player of the reasons why they are seeking to appeal the decision and confirm that disclosure of any confidential information can be made to the Appeals Panel limited to and only for the purposes of the proper and fair determination of the appeal.
- 4.4 The Appeals Committee shall make a decision on an appeal and communicate it to the player in writing with 10 working days of the initial appeal.

## 5 **CONFIDENTIALITY**

- 5.1 In the interests of good practice the information provided or obtained in connection with an issue to which this policy relates will be treated as "protected information" as defined by the 2004 Act whether or not the Association receives the information in an "official capacity" as that term is understood in the 2004 Act.
- 5.2 Wales Golf and its officers must not disclose any information obtained from a player in accordance with this Policy and in any event shall not identify the player for such purposes unless the player to whom the information relates has agreed to its disclosure or such other circumstances exist as the Association may be required to make disclosure in order to comply with its legal obligations.

## 6. **FUTURE ELIGIBILITY**

- 6.1 Once a determination has been made in favour of a player they will be treated for all purposes as the affirmed gender and will not be required to prove their gender status further. Where an unfavourable decision has been made, at first instance or on appeal, then this policy applies and the player will be regarded as retaining their sex as assigned at birth, unless new or further evidence can be produced.
- 6.2 Where new or further evidence is produced it will be treated as a new request for eligibility.

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