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Swim England Policy

Transgender & Non-Binary Competition Policy

Introduction and Policy Statement

Swim England is committed to creating an environment that will enable our vision of ‘a nation swimming’. As such our policies aim to reflect this objective and are written to create an inclusive environment that will provide opportunities and enjoyment for everyone.

Swim England have developed this competition policy with respect to transgender (“**trans**”) and non-binary individuals. This includes reference to anyone whose gender identity or expression is different to the gender assigned to them at birth.

The organisation is responsible for regulating within its jurisdiction the participation of persons as competitors in an event or events of the following sports: swimming (all disciplines), artistic swimming, water polo and diving. All of which would be deemed ‘gender-affected’ sports as defined by legislation, in that the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage to average persons of the other sex as competitors in an event of one of the above-mentioned sports. As such this policy aims to define the criteria a trans or non-binary competitor needs to meet in order to compete.

The policy has been updated taking into account the prevailing research in this area, the UK Sports Councils Guidance for Transgender Inclusion in Domestic Sport and assistance from several partner NGB’s.

A trans person shall not be entitled to compete in their relevant eligibility category until such time as they have met the applicable criteria set out in the policy below. Once the aforementioned criteria are satisfied and confirmed then verification of identity should be no more than is required of any other competitor.

Swim England recognises that this is a developing area of sports policy and as such it will be reviewed annually to ensure best practice is continued.

For further clarification about the drafting of this policy please see, ‘Swim England Transgender & Non-Binary Competition Policy – Explanatory Note’.

All enquiries regarding participation by a trans or non-binary person as a competitor should at the first instance be made via email to equality@swimming.org.

DEFINITIONS

For the purposes of this policy:

BIRTH SEX

The biological sex assigned to an individual at birth.

CISGENDER

A person whose gender identity matches with their birth sex.

COMPETITOR

Competitor denotes an entrant to competition promoted by or on behalf of the organisation.

CONTACT DISCIPLINES

Of the disciplines under the jurisdiction of Swim England, this refers to Water Polo only.

ELIGIBILITY CATEGORY

The entry categories into which competition is split.

LICENSED COMPETITION

Swimming events that are licensed by Swim England. These may range from club level events to county, regional and national competition. All events or 'meets' are subject to Swim England Regulations and the Swim England Technical Rules of Racing.

NON-BINARY

Someone who does not subscribe to the customary binary approach to gender, and who may regard themselves as neither male nor female, or take another approach to gender entirely.

NON-CONTACT DISCIPLINES

Of the disciplines under the jurisdiction of Swim England this refers to Swimming (including ParaSwimming, Masters & Open Water), Artistic Swimming & Diving.

RANKINGS

A database providing a record of previous times achieved by COMPETITORS at licensed events.

SELF-IDENTIFICATION OR SELF-ID

A process of recognition that accepts the individual's declaration of gender identity without a requirement for further evidence.

TRANSGENDER OR TRANS PERSON

An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, genderqueer (GQ), gender-fluid, gender-variant, trans man, trans woman.

TRANSITION

The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.

UNLICENSED COMPETITION

Aquatics events that are not formally licensed by Swim England and its constituent bodies. Timings and scores posted at these events will not be applicable to Swim England rankings or eligible as records.

POLICY - INDOOR SWIMMING (excluding Masters events)

UNLICENSED COMPETITION

- 1.1 For UNLICENSED, NON-CONTACT competition the inclusion of TRANS or NON-BINARY participants does not present an increased level of risk with regards to 'safety of competitors'. As a result, 'fairness of competition' is considered against the need for maximising participation at this level. Subsequently TRANS or NON-BINARY people are free to SELF-ID and participate in the ELIGIBILITY CATEGORY aligned to their gender identity free from discrimination and exclusion.
- 1.2 Given the UNLICENSED nature of these competitions no formal verification procedure is required.
- 1.3 Whilst clarification may be sought in the event of a genuine error, under no circumstances are COMPETITORS to be challenged on the validity of their participation within the relevant category.

LICENSED COMPETITION

- 1.4 As competition with the potential to provide times for RANKINGS, 'fairness of competition' must be prioritised. LICENSED COMPETITION within the discipline of swimming will therefore be required to provide Female and Open categories. These are defined as follows:

Female – Athletes with a birth sex of female.

Open – Athletes with a birth sex of male, TRANS or NON-BINARY COMPETITORS and any COMPETITOR not eligible for the female category.

- 1.5 Any COMPETITOR intending to compete within the female category will be required to provide confirmation that their birth sex is female.
- 1.6 Any TRANS or NON-BINARYCOMPETITORS intending to compete within the Open category should remain aware of the anti-doping criteria detailed in 8.1

POLICY - OPEN WATER SWIMMING

Within the discipline of Open Water Swimming, Swim England delivers two annual national competitions, the National Masters Championships and the National Age Group Championships. Aside from this, Swim England Regions also facilitate Regional Championships annually.

- 2.1 As national and regional competition, 'fairness of competition' must be prioritised. Therefore, competitions will be required to provide Female and Open categories. These are defined as follows:

Female – Athletes with a birth sex of female.

Open – Athletes with a birth sex of male, TRANS or NON-BINARY COMPETITORS and any COMPETITOR not eligible for the female category.

- 2.2 Any COMPETITOR intending to compete within the female category will be required to provide confirmation that their birth sex is female.
- 2.3 Any TRANS or NON-BINARY COMPETITORS intending to compete within the Open category should remain aware of the anti-doping criteria detailed in 8.1

POLICY - MASTERS SWIMMING

Within the discipline of Masters Swimming many competitions submit their times into the Masters RANKINGS system. Masters events do not include LICENSED COMPETITION and therefore the definition of 'LICENSED COMPETITION' is not applicable for this discipline.

COMPETITION NOT FOR SUBMISSION TO RANKINGS

- 3.1 For NON-CONTACT competition the inclusion of TRANS or NON-BINARY participants does not present an increased level of risk with regards to 'safety of competitors'. As a result, 'fairness of competition' is considered against the need for maximising participation at this level. Subsequently TRANS or NON-BINARY people are free to SELF-ID and participate in the ELIGIBILITY CATEGORY aligned to their gender identity free from discrimination and exclusion.
- 3.2 As competition not for submission to RANKINGS, times will also be ineligible for swimming records.
- 3.3 No formal verification procedure is required.
- 3.4 Whilst clarification may be sought in the event of a genuine error, under no circumstances are COMPETITORS to be challenged on the validity of their participation within the relevant category.

COMPETITION FOR SUBMISSION TO RANKINGS

- 3.5 As competition with the potential to provide times for RANKINGS, 'fairness of competition' must be prioritised. Therefore, competition must be required to provide Female and Open categories. These are defined as follows:

Female – Athletes with a birth sex of female.

Open – Athletes with a birth sex of male, TRANS or NON-BINARY COMPETITORS and any COMPETITOR not eligible for the female category.

- 3.6 Any COMPETITOR intending to compete within the female category will be required to provide confirmation that their birth sex is female.
- 3.7 Any TRANS or NON-BINARY COMPETITORS intending to compete within the Open category should remain aware of the anti-doping criteria detailed in 8.1

POLICY - ARTISTIC SWIMMING

As a NON-CONTACT discipline, TRANS or NON-BINARY participants do not present an increased level of risk with regards to 'safety of competitors'. Furthermore, as per existing competition regulations, Artistic Swimming is not divided by gender in any of the following categories of competition: Solo, Duet, Team & Combination. The only category where gender is considered is the Mixed Duet.

SOLO, DUET, TEAM & COMBINATION

- 4.1 All COMPETITORS are free to SELF-ID and participate within their gender identity free from discrimination and exclusion.

MIXED DUET

- 4.2 To be eligible for the Mixed Duet a pairing must consist of one COMPETITOR from each of the following ELIGIBILITY CATEGORIES:

Female – Athletes with a birth sex of female.

Open – Athletes with a birth sex of male, TRANS or NON-BINARY COMPETITORS and any COMPETITOR not eligible for the female category.

- 4.3 Any COMPETITOR intending to compete within the female category will be required to provide confirmation that their birth sex is female.
- 4.4 Once stated for the purposes of competition within the Mixed Duet, a COMPETITOR may not change their ELIGIBILITY CATEGORY for a period of 4 years.

POLICY - DIVING

SWIM ENGLAND COMPETITION

- 5.1 The inclusion of TRANS or NON-BINARY participants does not present an increased level of risk with regards to 'safety of competitors'. As a result, 'fairness of competition' is considered against the need for maximising participation at this level. Subsequently TRANS or NON-BINARY people are free to SELF-ID and participate in the ELIGIBILITY CATEGORY aligned to their gender identity free from discrimination and exclusion.
- 5.2 No formal verification procedure is required.
- 5.3 Whilst clarification may be sought in the event of a genuine error, under no circumstances are athletes to be challenged on the validity of their participation within the relevant category.

TALENT GAMES

- 5.4 As a talent pathway competition, 'fairness of competition' must be prioritised within the Talent Games.

Therefore, the competition will be required to provide Female and Open categories. These are defined as follows:

Female – Athletes with a birth sex of female.

Open – Athletes with a birth sex of male, TRANS or NON-BINARY COMPETITORS and any COMPETITOR not eligible for the female category.

- 5.5 Any COMPETITOR intending to compete within the female category will be required to provide confirmation that their birth sex is female.
- 5.6 Any TRANS or NON-BINARY COMPETITORS intending to compete within the Open category should remain aware of the anti-doping criteria detailed in 8.1

POLICY - WATER POLO

It is understood that contact sports present an increased risk to the safety of competitors. Swim England govern a single CONTACT DISCIPLINE, Water Polo. As such TRANS women (postpuberty) can present an increased risk to safety as a result of physical advantage. Similarly, TRANS men are at greater risk when playing against CISGENDER opposition. We do however recognise that mixed gender competition is commonplace within U16 COMPETITION as a result of lower participation levels.

U16 COMPETITION

- 6.1 A TRANS or NON-BINARY COMPETITOR may self-ID as they see fit to participate within U16 COMPETITION.

16+ COMPETITION

- 6.2 All competition will be required to provide Female and Open categories. These are defined as follows:

Female – Athletes with a birth sex of female.

Open – Athletes with a birth sex of male, TRANS or NON-BINARY COMPETITORS and all other individuals.

- 6.3 Any COMPETITOR intending to compete within the female category will be required to provide confirmation that their birth sex is female.
- 6.4 Any TRANS or NON-BINARY COMPETITORS intending to compete within the Open category should remain aware of the anti-doping criteria detailed in 8.1

ALL DISCIPLINES – TALENT SELECTION

- 7.1 The eligibility policy of World Aquatics, and/or any major national or international Games Organisation regarding TRANS or NON-BINARY COMPETITORS will supersede the eligibility policy as outlined in this Policy.

As such, any TRANS or NON-BINARY COMPETITORS person seeking selection to any of the Swim England talent pathways shall be required to be compliant with the eligibility criteria detailed in the World Aquatics Policy on Eligibility for the Men's and Women's Competition Categories prior to being eligible for selection. This is to ensure that selected COMPETITORS are eligible to compete at the respective national/ international competition(s).

ANTI-DOPING

- 8.1 All COMPETITORS should be aware they may be subject to doping control testing as per the UK Anti-Doping Rules. The use of hormones in most cases contravene the World Anti-Doping Agency Code and therefore any TRANS or NON-BINARY COMPETITORS using hormones for the purpose of gender reassignment are encouraged to contact UK Anti-Doping to determine whether they are required to apply for a Therapeutic Use Exemption.

CONTACT DETAILS AND REPORTING

- 9.1 Swim England welcomes feedback on this Policy and also urges any person involved within aquatics who has experienced transphobic abuse to report it immediately. Please contact us via equality@swimming.org
- 9.2 Concerns regarding non-compliance or abuse of this policy can also be sent to equality@swimming.org. Under no circumstances are COMPETITORS to be challenged at poolside.