



## **INCLUSION POLICY IN RESPECT OF TRANSGENDER PEOPLE ENTERING COMPETITIONS 2021**

In the document below “the Company” and “YLCGA” mean Yorkshire Ladies’ County Golf Association Limited;

Any player who is eligible for entry to a YLCGA event under these rules must hold a handicap index allocated and maintained using tee sets rated for the female gender.

### **1. Aim of Policy**

- 1.1 The YLCGA 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 Inclusion Policy in respect of transgender people entering any YLCGA Competition. Its aim is to include all transgender players. The following sets out the circumstances in which transgender players may participate in events organised and managed by the YLCGA.
- 1.3 For the purposes of this Policy any reference to a ‘medical expert’ shall refer to a medically qualified person accredited by the General Medical Council (GMC) (<http://www.gmc-uk.org>) and on the Gender Recognition Panel of recognised gender specialists, as appointed by England Golf from time to time.
- 1.4 For the purposes of this Policy any reference to a ‘competition’ shall refer to a particular competition that YLCGA has organised and officiated at.
- 1.5 This policy has been prepared specifically for the YLCGA.

### **2. Proof of Gender status**

- 2.1 It shall be a condition of any competition organised by the YLCGA that players must be of the gender status that is specific to the competition. Where the player has had their gender status re-assigned, proof of this must be provided in confidence to the YLCGA Governance Committee no later than 14 days prior to the commencement of the competition in accordance with clause 2.3 of this Policy. The penalty for a breach of this condition may be disqualification.

- 2.2 Players are eligible to play according to their sex assigned at birth or, where reassignment has occurred, are eligible according to their present gender status. For the avoidance of doubt, YLCGA 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.
- 2.3 If, in the opinion of the YLCGA Governance Committee there is uncertainty as to a player's gender status, either prior to, or once a competition has commenced, then YLCGA may ask a player to provide proof of gender status, in confidence, to a medical expert. 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 2.4); and
  - (b) That a player has a period of 5 working days within which to respond, albeit the YLCGA may authorise extensions to this time limit as required.
- 2.4 Any one or more of the following shall be regarded as proof of a player's gender status:
- (a) 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 (only if offered); or
  - (b) Appropriate Hormone therapy has been administered in a verifiable manner and for the sufficient length of time to minimise sex related advantages in competitions.
- 2.5 A failure to comply with the requirements of this policy without good reasons will result in disqualification. In exceptional circumstances once a competition has commenced and there are good reasons for non-compliance with this policy and proof of gender status is required, the player may, at the discretion of the YLCGA Governance Committee, continue to participate in the competition until a decision is reached in accordance with this Policy. The decision will then be made in accordance with this policy. Where the decision is made in favour of the player then it will be assumed for all purposes that the policy has been complied with. 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.
- 2.6 In exceptional circumstances where the issue of gender status is required to be determined after a competition and there are good reasons for non-compliance with this policy and proof of gender status is required, the decision will be made at that stage in accordance with this policy. Where the decision is made in favour of the player then it will be assumed for all purposes that the policy has been complied with. Where the decision is that the player has deliberately and fraudulently deceived the YLCGA, after careful investigation (including the Appeals process, if invoked), 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.

- 3.1 Any decision by the YLCGA Governance 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 Appeals Committee, as referenced in the YLCGA disciplinary procedures.
- 3.2 The Committee shall take decisions by majority vote, after consultation with a medical expert who shall not be the same medical expert involved in consultation.
- 3.3 An appeal under clause 3.1 shall be made in writing by the player to the Governance Committee within 10 working days of the date of the initial decision, albeit the Governance Committee may authorise extensions to this time limit as required. 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 Committee limited to and only for the purposes of the proper and fair determination of the appeal.
- 3.4 The Appeals Committee shall after consultation with a medical expert (who shall not be the same medical expert involved in consultation), make a decision on an appeal and communicate it to the player in writing in line with the disciplinary regulations.

#### **4 Confidentiality**

- 4.1 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.
- 4.2 The YLCGA 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.

#### **5. Future Eligibility**

- 5.1 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.
- 5.2 Where new or further evidence is produced it will be treated as a new request for eligibility.

