



## Diversity and Inclusion Guidance Notes

### Trans people

#### RYA Policies

Inclusivity is one of the Royal Yachting Association's core values. We work to ensure boating is accessible and attractive to the widest audience. We share our expertise, work with partners, and embrace diversity.

The RYA is committed to the principle of equality of opportunity and aims to ensure that all present and potential participants, members, instructors, coaches, competitors, officials, volunteers and employees are treated fairly and on an equal basis, irrespective of sex, age, disability, race, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnership, gender reassignment or social status.

The RYA encourages its affiliated clubs and organisations and its recognised training centres to adopt a similar policy, so that they are seen as friendly, welcoming and open to all.

The **RYA Racing Charter** aims to ensure that the sport of sailboat racing welcomes all people and treats them equally. Foul or abusive language, intimidation, aggressive behaviour or lack of respect for others and their property will not be tolerated.

#### Purpose

The purpose of this guidance note is to help affiliated clubs and recognised training centres to understand their responsibilities and to provide a welcoming environment for trans members and participants.

#### Definitions and background

**Gender reassignment** is a protected characteristic under the Equality Act 2010. It is a personal, social and sometimes medical process by which a person changes their outward gender expression. Anyone who proposes to, starts or has completed a process to change their gender is protected from direct or indirect discrimination, harassment or victimisation. A person does not need to be undergoing medical supervision to be protected.

Transphobic behaviour is as unacceptable as, for example, racism, sexism or homophobia. An organisation that discriminates on the basis of any of the nine protected characteristics in the Equality Act risks reputational and financial damage.

The terms **affirmed gender**, **acquired gender** or **self-identified gender** refer to the gender that the person has transitioned or is transitioning to, as opposed to that which was assigned at birth.

**Trans people:** People who feel that the sex/gender they were assigned at birth does not match or sit easily with their gender identity often describe themselves as 'trans'. This may include:

- People assigned male at birth who know themselves to be women (trans women)
- People assigned female at birth who know themselves to be men (trans men)
- People with other experiences of gender that don't fit our cultural expectations – for example, people who don't consider themselves either male or female, people who cross-dress, and lots of other experiences too

Not everyone who has transitioned describes themselves as 'trans' – they may just use the terms 'man' or 'woman'.

**Gender identity:** A person's sense of their own gender. People may experience their gender identity as:

- Male/man
- Female/woman
- Non-binary – neither male nor female, both male and female, or another approach to gender
- Gender fluid – not having a fixed sense of gender
- Agender – having no gender

It does not refer to a person's sexual orientation or preference, although trans people are often grouped together with lesbian, gay or bisexual people under the acronym LGB&T.

The exact number of trans people is unknown. It is estimated that 1% of the UK population fall somewhere under the broad trans umbrella. The number of openly trans people is likely to increase as society becomes more accepting (as has happened with lesbian, gay and bisexual people in recent years). The number of trans adults who seek medical care is growing by 20% per annum. There has also been a rapid increase in the number of young trans people and a tendency for them to 'come out' at a younger age.

Some trans people live in their affirmed gender without undergoing any medical procedure. Others have treatments such as hormone therapy, and some undergo reconstructive surgery. Medical professionals normally require people seeking gender reassignment to live full-time for a specified period in their new gender (known as Real Life Experience) before having surgery.

## **Challenges**

It must be understood that the decision to transition to another gender and to tell family, friends and colleagues is not one that is taken lightly. Often people have spent years feeling that they are living in a gender role that does not reflect who they are, but have struggled to come to terms with the situation themselves, to seek advice and treatment, and finally to 'come out' to others as trans. The process may have affected their mental and physical health, relationships and careers.

A person who has been through this experience and is taking the step of joining a club or doing a sailing course just wants to be accepted in their affirmed gender and included like everyone else. Taking part in sport is an important way of re-building health and self-esteem.

At the same time, you need to acknowledge the feelings of your other members or participants, who may never have met a trans person before and may initially find it difficult to understand and accept them. Anyone who differs from what people perceive as 'normal' can find themselves excluded or bullied. People can have prejudices or misconceptions due to a lack of knowledge and understanding, which can be addressed by providing or signposting information and learning – see the links at the end of this document. Perceptions often change as people get to know the trans person as an individual with a shared interest in sailing and boating.

Being an inclusive organisation means showing respect for all individuals and the diversity of their life experiences. Everyone should adhere to minimum standards of inclusive behaviour. Any discriminatory behaviour should be dealt with appropriately.

## **Responding to a trans member or participant**

You will not always know when a member of your club is a trans person. They may have transitioned before joining, join in their self-identified gender and be invisible as a trans person; or a person may know themselves to be trans, but has not (yet) told anyone or taken any steps to change their gender expression.

Equally, someone may join and share the personal information that they are trans – this may be just with certain people at the club, or more generally; or a person may transition whilst they are a member of your club which typically means that most or all people currently involved with the club will become aware that they are trans.

If you think that someone may be trans, but they choose not to tell you, you should not ask – you wouldn't ask any other new member about their private life or medical history.

Regardless of whether someone is trans or not, everyone is entitled to be treated as a member of their self-identified gender and to appropriate confidentiality.

Your response to a trans member will be different depending whether they have previously been involved with the club in their birth gender and have informed you that they intend to transition, or are a new joiner attending in their affirmed gender from the outset.

### New members

If you don't know someone is trans, you will automatically treat them as a member of their self-identified gender, respecting their affirmed gender, using the title and name they provide and referring to them as 'he', 'she' or 'they' according to their choice. This is exactly what you should do if you do know someone is trans, or think they may be trans.

If someone tells you when they join that they are trans, it is good practice to ask if they have any concerns or questions. They may ask about toilets, changing facilities, policy or confidentiality for example. This is a good opportunity to address any concerns and help them feel welcome and included.

A good approach with any new member who doesn't already have friends at the club is to ask an existing member to act as their 'mentor' for a while, to show them round and introduce them to other people.

### What to do if someone transitions whilst a member of your club

If an existing club member is transitioning, for example a member who was assigned male at birth now wishes to be treated as female, you should discuss with them such matters as:

- communication with other members (how much and by whom)
- what name, pronoun and title they would like people to use
- amending membership records (see below)
- updating the club website if their name or image appears on it in their previous identity
- if relevant, records of instructor/coach/official qualifications – the RYA will issue new certificates on receipt of a Deed Poll or Statutory Declaration and (where required) updated photo
- if required for their role in the club, re-applying for a DBS/PVG/AccessNI check in their new name and gender
- use of changing rooms (see below).

These discussions should form the basis of a plan (formal or informal) which will normally be reviewed periodically as the individual, the club and the membership get accustomed to the new situation and if needs change over time.

Other club members should be supported to use the trans person's new name and their chosen pronoun ('he', 'she' or 'they') and politely reminded if they accidentally forget to do so. Using someone's new name and pronoun is one of the most supportive things you can do, although honest mistakes are not normally a cause for excessive concern for either party.

## **Confidentiality**

Everyone has a right to confidentiality about their personal circumstances. If a trans person tells you they are trans, you may only share that information with their consent.

If someone transitions whilst a member of your club, then that consent is usually given as part of the plans outlined above, because all those currently involved with the club will need to know the person's new name and pronoun.

In this instance, it is important to ensure that all those who become aware that someone is trans know that the information is still to be regarded as confidential, for example if another new member joins, they should not be told. It is the trans person's information to share if they wish, not 'common knowledge'.

See also Membership/Customer records (below)

## **Practical issues**

There are two particular areas that raise practical questions. The first is single sex facilities, and the second is sailors competing in their affirmed gender. Practical issues may also be raised around membership/customer records and forms. All of these are dealt with in this section

### Single sex facilities

Trans people should be able to use the toilets, showers and changing rooms of their self-identified gender if they wish, whether or not they undergo gender reassignment surgery/retain the physical characteristics of their former gender. If someone presents themselves at the club as a new member and does not tell you they are trans or have a trans history, then you should accept them in their self-identified gender regardless of whether you think they may be trans or not.

However, the use of single sex facilities can be challenging for trans people, who may at times feel very self-conscious in those spaces and not wish to cause embarrassment to themselves or others. If someone shares the information that they are trans or have a trans history with you then it is appropriate to ask how best the club can support them. If they request alternative facilities, then as with any individual with a particular requirement, the best approach is to talk to them, discuss the existing facilities, ask them what they need and reach a mutually agreeable solution.

It is generally better to make any new options available to all members, rather than just trans members.

### Toilets

All toilet facilities include cubicles and there is appropriate privacy for all. It is good practice to assume that everyone chooses the facilities that are right for them and not to make assumptions on the basis of appearance.

Consider the needs of non-binary people and what options you can provide that would work for them – gender neutral facilities are the best option, but you may need to consider other solutions in more traditional facilities, such as designating the accessible toilet 'gender neutral and accessible – toilet for everyone'.

### Changing facilities

Unlike toilet facilities, traditional sailing club changing rooms are typically open and do not offer privacy for anyone. There are many reasons why people might want privacy in such environments, so this is a situation that affects more than just trans people.

Any plans to refurbish or modernise changing rooms should aim to include gender-neutral, family and disabled changing facilities to provide greater flexibility and privacy. This will also benefit, for example, a father whose young daughter needs assistance with dressing, or a disabled male sailor with a female carer. Consider how these facilities can be labelled to indicate that they are available to a range of people, not just those with disabilities.

In the meantime, consider what adaptations you can make within the limitations of your current infrastructure and budget. This may be providing two or three curtained areas in the changing rooms, using a separate gender-neutral family/disabled toilet/changing room if there is one available, or identifying another private area if one exists at your site. Lastly, though it is not good practice, it is an option to redesignate a toilet cubicle as toilet/changing space if there is no better alternative.

Concerns or complaints from other members 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 and offering alternative changing to those other members is an appropriate option.

### Competition

Sailing at club level is normally open to male, female or mixed crews, a wide range of ages and both disabled and non-disabled sailors. There are few single-sex events or competitions involving separate men's or women's teams. The gender of an individual sailor should therefore make very little difference to their participation in club racing. Although there are some classes of dinghy where strength, height and/or body weight are helpful and it might be assumed that a trans woman would have a competitive advantage over other women, this is not the case. Trans women, like everyone else, come in all shapes and sizes and levels of physical capability.

In the case of sail racing competitions where there are separate events for men and women, if the participation of a trans sailor raises questions about fair competition, advice should be sought from the RYA (see contact details below). UK Sport provides guidance for national governing bodies. At elite level the RYA and International Sailing Federation (ISAF) follow current International Olympic Committee (IOC) recommendations.

### Membership/customer records

For informal purposes such as club membership, an individual can use whatever name they choose. A change of name on a club membership list or customer database does not require any formal name change document.

It would be good practice, from a data protection and privacy point of view, to ask the individual whether they would like the organisation to set up a completely new record in their new identity (which might affect any benefits linked to length of membership) and delete their previous record, or to amend their existing record and retain their history (bearing in mind that it might be accessed in the future by someone who is not aware of their change of gender).

A club member's previous name might also appear on photos, trophies or boards displayed in the clubhouse. These are part of the club's history as well as the individual's and it is unlikely that they will want them removed, but again it would be a good idea to discuss this with them.

### Forms

You could consider adding the gender neutral title 'Mx' as an option on forms and databases. This title is used by organisations such as the DVLA, banks and local councils and by the RYA. It may be used by anyone, but it is particularly inclusive towards people with a non-binary gender identity (that is, a gender identity that is not exclusively male or exclusively female).

## Concerns or Complaints

Your club or centre should have a clearly communicated route for anyone to raise a concern or complaint, including concerns about discrimination, harassment or inappropriate language.

## Summary

Here are a few simple points to bear in mind:

- For most trans people the decision to transition will not have been taken lightly and many will have been through a period of significant stress beforehand.
- Like all other members, a trans member usually just wants to participate in a sport they enjoy.
- A trans member may feel very self-conscious and uncomfortable at first – make them welcome.
- Encourage the trans member to take part in club activities, duties and responsibilities. You may gain a valued club member.
- Honest mistakes are rarely a problem, just apologise and move on. Deliberate misnaming etc is not acceptable.
- You should not ask questions of a personal nature that you would not ask any other member.

## For more information see the following websites:

### *Background information*

<http://genderedintelligence.co.uk/projects/kip>

<http://equalityinsport.org/equality-strands/gender-reassignment/>

<http://www.rya.org.uk/about-us/rya-policies/Pages/equality.aspx>

[http://www.stonewall.org.uk/sites/default/files/trans\\_inclusive\\_policies\\_and\\_benefits\\_2016.pdf](http://www.stonewall.org.uk/sites/default/files/trans_inclusive_policies_and_benefits_2016.pdf)

### *Guidance on legislation*

Equality Act 2010

<http://www.rya.org.uk/clubs/support/your-people/members/Pages/equality.aspx>

Data Protection Act 1998

<http://www.rya.org.uk/clubs/support/management/lawsandregulations/Pages/dataprotection.aspx>

### *Training*

<http://www.gires.org.uk/index.php/e-learning>

<http://genderedintelligence.co.uk/professionals/cpd/>

**RYA contact** Jackie Reid, Safeguarding and Equality Manager

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