

BRITISH FENCING GENDER POLICY FOR COMPETITION

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Approved by board: 13th September 2022

1. INTRODUCTION

British Fencing (BF) aims to create safe, inclusive and welcoming environments for everyone participating in fencing. We also recognise our responsibility to provide safe, fair and meaningful competition at all levels of development and performance from community to international level.

The 2010 Equality Act which protects people everyone in Great Britain against discrimination because of the protected characteristics that we all have. Under the Equality Act, there are nine protected characteristics: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

BF's Equality Policy lays out clearly that the organisation is committed to treating everyone fairly, regardless of their protected characteristic.

BF's Gender Policy recognises that we live in a diverse society and promotes open access to all those who wish to participate in BF's activities, regardless of gender. BF's gender policy aims to protect the rights of any person, irrespective of gender, to take part in, enjoy, and achieve their potential in fencing.

This Gender Policy has been produced to clarify participation of people in fencing in relation to their gender identities and to create a clear framework for taking part in fencing competition that is as inclusive and fair as possible. It applies to any person that wishes to compete in a Competition Gender Category that does not match their gender assigned at birth.

For mixed gender events without separate placings or prizes for competitive gender categories males and females, there are no restrictions on participation.

This policy will be reviewed on a regular basis and changes may affect future eligibility of an individual to compete in certain events.

2. THE LAW

The sport of fencing offers competitive categories on the basis of gender and age. This is permitted under the Equality Act 2010.

A Transgender person is someone who identifies as a gender which is different from their gender assigned at birth. As gender is a spectrum, there are a number of other gender identities which may/can fall under the umbrella term of transgender, for example non-binary or genderfluid people. Adoption of the label is a personal choice.

As such this policy deals with people that wish to compete in a different gender competition category from the gender which they assigned at birth.

This policy is based on legislation and takes the following into consideration:

- Gender Recognition Act 2004
- Equality Act 2010

3. POLICY AND PROCEDURES FOR INTERNATIONAL COMPETITION

Currently the FIE are following the pre 2021 IOC guidelines (see Appendix A) which applied to all international level sport. BF's policy was originally created following the FIE Policy and guidance from the IOC as set out in the Statement of the Consensus Meeting on Sex Reassignment and Hyperandrogenism (Nov 2015). See Appendix A.

The FIE is currently reviewing its policies based on the 2021 IOC Framework on Fairness, Inclusion and Non-Discrimination on the basis of Gender Identity and Sex Variations. Any changes to the current FIE policy will result in a review of this policy. This may result in changes to eligibility criteria to compete in certain events.

Should there be a need to verify any information with the FIE this will be done confidentially through BF's Chief Medical Officer.

3.1. INTERNATIONAL REPRESENTATION

A fencer aged 16 and over shall not be entitled to represent their Home Country or Great Britain in international competitions in their Affirmed Gender until such time as they have provided evidence that the criteria set out by the FIE have been met to British Fencing's satisfaction.

For fencers under the age of 16, Home Country or GBR representation will require a case by case assessment by British Fencing.

4. POLICY AND PROCEDURES FOR DOMESTIC COMPETITION

All competitors - must nominate the Competition Gender Category in which they wish to compete. If this is not the gender assigned at birth, they will need to comply with the conditions set out below.

We recognise that whilst gender is a spectrum there are only two gender competition categories – Men’s/Boy’s and Women’s/Girls. Fencers can select a competition gender category to compete in, subject to the conditions below.

A fencer who wishes to compete in the gender assigned at birth and has not started Gender Transition can do so regardless of any non-physiological changes such as their name.

Once Gender Transition has started, fencers can only compete in the new Competitive Gender category, subject to the conditions below.

If they wish to change this category again, they should contact BF for further guidance.

Competing fencers will not be permitted to change gender category in the relevant competitive season.

BF and UKAD Anti-Doping Regulations will also apply.

Age	Gender/Sex Assigned at Birth	Desired Competition Gender Category	Procedure
All	Female	Men’s/Boy’s	May compete in Men’s/Boy’s Category domestic competitions once they have registered this as their Competition Gender with BF under membership details
Over 16 and post puberty	Male	Women’s	May compete in Women’s/Girl’s Category domestic competition by complying with 2.1, 2.2, 2.3 and 2.4 in appendix A with confirmation by BF’s Medical Officer
Under 16 and/or pre-puberty	Male	Women’s/Girl’s	May compete in any Women’s/Girl’s Category domestic subject to age eligibility and subject to an individual case by case assessment undertaken by BF’s Medical Officer which may include confirmation of their stage of pubertal development

5. GENERAL GUIDANCE

All documentation containing information about a person's past or present Gender Transition will be managed in accordance with BF's policies on sensitive and confidential information and in line with the Data Protection Act 2018 and, where relevant, the Gender Recognition Act 2004.

It is accepted that these are sensitive matters and any persons involved in the case will respect the confidentiality of the matter and the individual's right to privacy.

The Transgender person (and their legal guardian if under the age of 18) maybe asked to provide records from their GP and/or Specialist (and any other information British Fencing requires from time to time), for example:

- Evidence of acquired gender under applicable law (e.g. gender recognition certificate or other form of legal recognition of acquired gender);
- Details of any Gender Transition procedure undertaken including dates of any surgical procedures);
- Details of any post Transition treatment (e.g. type of treatment, dosage and periodicity).

British Fencing should also be permitted to refer back to the GP and/or Specialist to clarify or verify any details.

In order to determine compliance with this policy BF's Equality and Safeguarding Manager and Chief Medical Officer will consider the evidence on a case-by case basis.

6. APPEAL PROCESS

Any individual has the right to appeal any decision made by British Fencing about their status. This must be made in writing to the Equality and Safeguarding Manager with the grounds for the appeal.

The Appeal will be heard by a panel established for this purpose. This panel will comprise a minimum of three people appointed by British Fencing who are independent of the case. At least one member of the panel will have relevant expertise.

7. GLOSSARY

FIE - Federation Internationale d'Esgrime

IOC – International Olympic Committee

BF – British Fencing

UKAD - UK Anti-Doping

Case by Case Assessment – a medical assessment of all relevant information which may include a face to face consultation and taking safety issues into consideration

Gender Identity - A person's sense of self as a man, woman, non-binary person or other sense of gender. A person's gender identity can follow directly from the sex they were assigned at birth, but this is not always the case.

Transgender - This is used here as an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the gender they were assigned at birth.

Gender Transition - The steps a trans person may take to live in the gender with which they identify.

Gender Reassignment - is the term used to describe Transitioning from one binary gender to another. The Equality Act 2010 defines the protected characteristic of Gender Reassignment: "A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex."

Appendix A - IOC Transgender Guidelines Nov 2015 - Currently being used by FIE

- A. Since the 2003 Stockholm Consensus on Sex Reassignment in Sports, there has been a growing recognition of the importance of autonomy of gender identity in society, as reflected in the laws of many jurisdictions worldwide.
- B. There are also, however, jurisdictions where autonomy of gender identity is not recognised in law at all.
- C. It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.
- D. The overriding sporting objective is and remains the guarantee of fair competition. Restrictions on participation are appropriate to the extent that they are necessary and proportionate to the achievement of that objective.
- E. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.
- F. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.
- G. These guidelines are a living document and will be subject to review in light of any scientific or medical developments.

In this spirit, the IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

- 1. Those who Transition from female to male are eligible to compete in the male category without restriction.
- 2. Those who Transition from male to female are eligible to compete in the female category under the following conditions:
 - 2.1 The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - 2.2 The athlete must demonstrate that her total testosterone level in serum has been below 10nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case by case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).
 - 2.3 The athlete's total testosterone level in serum must remain below 10nmol/L throughout the period of desired eligibility to compete in the female category.
 - 2.4 Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.