



**Gender Participation Policy**  
**Updated January 2023**  
**Q&A Document**



# Gender Participation Policy

## Q&A Document

### Why did Scottish Rugby carry out a review on the policy?

In October 2020, World Rugby published new guidelines on gender participation for performance athletes and delegated responsibility to individual unions to consider the application of the guidelines domestically, and this required Scottish Rugby to review its existing policy.

In September 2021, the Sports Councils' Equality Group (SCEG), made up of representatives from each of the UK's sports councils (UK Sport, Sport England, Sport Wales, **sportscotland** and Sport Northern Ireland), published further guidance which meant that Scottish Rugby's review was extended to consider their recommendations.

### How was the review conducted and what did it involve?

Following the invitation from World Rugby to review our policy, the Scottish Rugby Board delegated overarching responsibility of the review to our Environmental, Societal and Governance (ESG) committee.

The committee included two non-executive Board Members, two members of the Scottish Rugby Council and received input from representatives of Scottish Rugby's Rugby Development, Legal and Regulations, Communications & Stakeholder Engagement departments respectively.

The ESG committee conducted an extensive review of the research and guidance presented by both World Rugby and SCEG, and NHS Scotland.

In addition to this, testimonials from consultees which included a mix of individuals, organisational representatives, current and former players, people from the LGBTQ+ community and other specialist groups, were reviewed.

The committee considered all the available evidence, guidelines, consultation feedback and sought independent legal guidance and counsel before making a recommendation to the Scottish Rugby Board, which was subsequently approved.

### What research/guidance was considered?

The committee reviewed published and peer-reviewed research on transgender participation in sport outlined by World Rugby and SCEG as part of the policy review.

In addition to this, the ESG committee also reviewed research published by NHS Greater Glasgow and Clyde, NHS Lothian and Public Health Scotland on health and social inequalities faced by Scotland's LGBTQ+ communities.

Links to the research Scottish Rugby considered can be found below.

[World Rugby guidance](#)

[SCEG Guidance](#)

[Health needs assessment of lesbian, gay, bisexual, transgender and nonbinary people. Prepared for: NHS Greater Glasgow & Clyde, NHS Lothian and Public Health Scotland](#)

## **How is this research/guidance relevant to rugby?**

Scottish Rugby is mindful that the current research on transgender participation in sport is not specific to rugby and is based largely on traditional 'Olympic' sports such as athletics, swimming, and cycling.

The relevancy and application of the research to rugby was debated by the ESG committee, but the committee concluded that as this was the most relevant data available on the subject matter at the time, it had to be used to inform the decision-making process.

We acknowledge that this is an evolving space, and we will continue to review all available information as it emerges.

We felt it was important to factor in information on mental and physical wellbeing of the LGBTQ+ community in Scotland, which is why we spent time reviewing the research published by NHS Scotland earlier this year.

## **Were transgender players involved in the review process?**

Yes, between September and October 2022, Scottish Rugby colleagues met with a number of transgender people (men and women) who have been playing rugby union in Scotland to listen and learn about their lived experience as transgender people, and as players of our sport.

During these conversations, Scottish Rugby engaged with players to understand what rugby meant to them, what impact rugby has had on their lives, and discuss ways in which they may consider continuing to engage with the sport should contact rugby no longer be an option based on changes which could be made to the policy.

The testimonials from these individuals were then presented to the ESG committee to review.

## **What did the Scottish Rugby Board/ESG Committee conclude from the research and testimonials provided by clubs and players?**

The ESG committee concluded that the current research shows that there are retained advantages in strength, stamina and physique between the average transgender women (assigned male at birth who has passed through puberty and adolescence), and the average cis-gender woman.

Current research also indicates that testosterone suppression does not negate this physical advantage over cis-gender women and so cannot guarantee competitive fairness and safety.

Upon reviewing research from NHS Scotland on mental and physical health of the Scottish LGBTQ+ community, it was recognised that trans and non-binary people showed the highest levels of isolation, loneliness and mental health issues including depression and anxiety.

Furthermore, we acknowledge that the research showed inequalities and barriers which prevented or put off those from the LGBTQ+ community in engaging with sport and physical activity.

The testimonials of those from the transgender community were extremely powerful and brought focus to the real-life human impact any policy change may have.

It was made clear by both transgender and other LGBTQ+ participants in Scottish rugby the positive impact on their mental and physical wellbeing through being part of the rugby family.

It was acknowledged by the players and representatives with whom we communicated, a level of understanding concerns about player safety from other groups regarding gender participation.

## What is different about the updated policy?

The new policy means contact rugby for players in the women's category is limited to those whose sex was recorded as female at birth. This is a departure from the previous policy which allowed for participation in the women's game for transgender women depending on the outcome of a thorough medical process including testosterone tests prior to registration to play.

Transgender men may continue to participate in contact rugby union in domestic competitions and training provided they have passed a risk assessment (more information below).

## When is this new Policy active from and why now?

The new Policy will take effect on 1 February 2023. The decision to announce the updated Policy at this time has been done so ahead of the Women's Cup Competition which begins later in the month.

## What approach have other sports/unions taken in this area?

We are aware of alternative models in other Unions and in other sports.

Whilst our Gender Participation Policy is in line with the other home Unions (RFU, WRU and IRFU), we believe Scottish Rugby followed a different approach in the review of materials and consultation of key stakeholders. On making its decision the ESG Committee also committed to reviewing the policy on a regular basis to take into account any changing data or guidance which may be relevant in what is a complicated and evolving space within sport.

## Has Scottish Government or any of its legislation, namely, the Gender Recognition Reform (Scotland) Bill had any impact on the decision on this policy?

The short answer is no in that the ESG committee made its decision before the GRR Bill was passed just before Christmas. We did though want to see the outcome of this debate before publishing our policy update.

## Is this policy update lawful under Section 7 of the Equality Act 2010?

In the supporting documentation provided by SCEG they note:

"...there is specific provision within the Act for policy and rules in sport in relation to gender reassignment, as well as sex, age, and nationality (or place of birth). The Equality Act 2010 states:

*'A person does not contravene... so far as relating to gender reassignment, only by doing anything in relation to the participation of a transsexual person as a competitor in a gender-affected activity if it is necessary to do so to secure in relation to the activity*

*a) Fair competition, or*

*b) The safety of competitors.*

*A gender-affected activity is a sport, game or other activity of a competitive nature in circumstances in which the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared with average persons of the other sex as competitors in events involving the activity."*

The nature of contact rugby means it is a gender-affected sport.

## Why is there thought to be a safety risk when transgender women play women's rugby?

Research being referenced by World Rugby and SCEG shows that there are retained advantages in strength, stamina and physique between the average transgender women (assigned male at birth who has passed through puberty and adolescence), and the average cis-gender woman.

It also indicates that testosterone suppression does not negate this physical advantage over cis-gender women and so cannot guarantee competitive fairness and safety.

### **How many players are anticipated to be impacted by the changes to the policy?**

The current playing population of trans people is not thought to be in double figures in Scotland.

### **How did Scottish Rugby engage with transgender players to inform them of the changes?**

Ahead of the public announcement, Scottish Rugby took the time to speak with representatives from clubs where we have knowledge of active participants who are transgender, as well as directly with transgender players.

### **Why is Scottish Rugby not sticking to a case-by-case approach with transgender women players?**

Following direction from World Rugby and SCEG there was a move to more uniform and consistent approach to how the policy guidance should be implemented.

In their report SCEG noted in particular that *“‘Case-by-case’ assessment is unlikely to be practical nor verifiable for entry into gender-affected sports.”*

This updated policy removes subjectivity from the decision-making process in relation to transgender women and provides a clear reference point for players and club officials to use.

### **Under what conditions will the policy be reviewed?**

Scottish Rugby has made a firm commitment to review the policy on, at least, an annual basis, and we will review such restrictions in light of any new evidence.

### **How can transgender women remain involved in rugby?**

The updated eligibility criteria in the policy only applies to the female category for contact rugby.

Transgender women should continue to be welcomed to participate in any non-contact training taking place at their club with a women’s team. This could be fitness/speed work, aspects of skills development including handling, and touch rugby training. At this time, it will not be permitted for transgender women to take part in training which involves making contact with rucking shields which are being utilised by players assigned female at birth (cis-gender or non-binary).

In the case where there is more than one transgender woman training with a women’s team, contact training between the two players would be permitted.

It is important to Scottish Rugby that transgender women can continue to be part of our sport, and there are no restrictions at all on participating in alternative formats of the game such as touch or tag rugby, or volunteering as match official or coach.

Scottish Rugby provides year-round courses in both match officiating and coaching.

Anyone, regardless of gender, will be welcome to volunteer at a club, putting their individual skills to use. These roles could involve anything from first aid to hospitality support, social media or groundskeeping.



## **My friend plays rugby and is taller and stronger than everyone else on the team. She has a huge advantage over everyone else, isn't that the same thing as a transgender woman having a strength, mass, or power advantage in women's rugby?**

It is true that sport rewards people with natural advantages. But we also know that injuries in rugby are more likely to occur during tackles and other contact situations against other players.

SCEG noted in particular that (amongst other things) that: "Biological males have greater muscle mass (concentrated in the upper body), bigger hearts and lungs, and greater stamina through higher haemoglobin (oxygen carrying capacity) than females."

So, this means there is greater potential biological males will exert a higher force on biological females in a contact situation.

## **What is involved in a risk assessment for transgender men who want to play contact rugby?**

The risk assessment addresses three key areas in particular:

*Physical Characteristics: Will the player's level of physical development and fitness enable them to compete fairly and safely at a comparable level to their team-mates/opposition?*

*Rugby Ability / Skill Level: Will the player's rugby ability and skills enable the player to compete fairly and safely at a comparable level to their team-mates/opposition?*

*Rugby Confidence / Mind-Set: Is the player's rugby confidence/mind-set aligned to their ability/skill-set and are they able to compete fairly and safely at a comparable level to their team-mates/opposition?*

An example risk assessment form is provided on Scottish Rugby's website, linked below.

Additional content to support a club conduct a risk assessment can be found via links below which include Scottish Rugby's video on safe tackle technique, resource from World Rugby on being 'Tackle Ready' and additional video content for drills which could be used to form a risk assessment can be found on Scottish Rugby's education platform, Hive.

[Risk Assessment Template](#)

[World Rugby Tackle Ready](#)

[Hive](#) - Hub Key: SRUTH1872

[Safe Tackle Technique Video](#)

## **I'm a transgender man and I have been playing contact rugby already this season, do I have to do a risk assessment now?**

Transgender men who have received permission to play under Scottish Rugby's previous Policy will not be required to undertake the risk assessment to continue playing this season. Players without a current approval must comply with the new Policy.

## **As a transgender man, do I have to complete a risk assessment every year?**

The risk assessment process is designed to ensure that it is safe for you to participate at the level of the game you intend playing at. There is no fixed period for re-assessments to be undertaken.

The key point is that you, your club and Scottish Rugby must all be confident that you are going to be able to participate safely. Because things change (players move clubs, teams get promoted, one's ability and commitment to train may change over the years), we recommend that a risk assessment is performed at least annually.

There may, however, be cases where a risk assessment should be performed more frequently e.g. you were planning to play for your club's 2XV but are now being considered for the 1XV, you are moving clubs mid-season, etc.

## **I identify as non-binary/genderfluid. Which gender category of contact rugby can I play in?**

Non-binary individuals should play for the gender category attributed to their assigned at birth gender ie. Players assigned female at birth can play in the women's category.

## **How are transgender or non-binary players registered on SCRUMS?**

Individuals are not required to disclose their trans identity or history to Scottish Rugby via SCRUMS. There is no requirement for any form of documentation to be disclosed at any stage. This is inclusive of players, coaches, match officials and volunteers.

## **What support is on offer to people affected by the changes to the policy?**

We understand that the changes made to this Policy will impact people in different ways.

Scottish Rugby has partnered with Breathing Space, a free, confidential phone service for anyone in Scotland, experiencing low mood, anxiety or depression. It's operated by NHS 24 and can be contacted on 0800 838 587.

Scottish Rugby also has a Mental Wellbeing E-Learning Course to equip players, coaches and volunteers with the tools and techniques they need to effectively support themselves and other in the rugby community. This can be found, [HERE](#).

Rugby has a zero-tolerance policy on harassment and bullying, both on and off the pitch. Such activity would be in contravention of Scottish Rugby's Code of Conduct for the Game, and is also a specific type of Misconduct under Scottish Rugby's Disciplinary Rules. Such behaviour is not to be tolerated and, where appropriate, would be prosecuted through our normal disciplinary processes.

If you or someone at your club has been subject to any behaviours which are believed to constitute as harassment or bullying, please contact Scottish Rugby's Disciplinary team. More information can be found [HERE](#).

## **How can my club promote inclusion of people who identify as LGBTQ+ and support them to remain engaged in the sport?**

In collaboration with LEAP Scotland, we have created resource on how to support people within our sport navigate their understanding of sexuality and gender identity. This resource includes information on how to support players who may be questioning how they identify and ways in which your club can visibly be an ally to the LGBTQ+ community.

[Supporting a Young Person](#)

[Supporting and Adult](#)

As mentioned previously, there are no gender-based restrictions on participating in alternative formats of the game such as touch or tag rugby, or volunteering as match official or coach.

Anyone, regardless of gender, should be made to feel welcome to be present at a club.

## **Who can my club speak to if we have any LGBTQ+ queries at our club?**

Any club's first port of call for support is their Regional Manager. Colleagues across the Rugby Development department have recently taken part in LGBTQ+ training with LEAP Scotland to ensure they are equipped with knowledge and understanding on LGBTQ+ issues in sport.

Scottish Rugby also has a [Player Welfare Manager](#), who can be contacted for support on both on and off-field matters