

England and Wales Cricket Board Policy on Trans People playing Cricket

Introduction

1. The England and Wales Cricket Board (the **ECB**) is the national governing body of cricket in England and Wales.
2. The ECB is committed to the principles of diversity and inclusion in cricket.
3. The ECB aims to ensure that all people, irrespective of their:
 - 3.1 age;
 - 3.2 disability;
 - 3.3 gender identity;
 - 3.4 marriage or civil partnership status;
 - 3.5 maternity, pregnancy or breastfeeding status;
 - 3.6 race (including ethnic origin, nationality and colour);
 - 3.7 religion or beliefs; or
 - 3.8 sex, social status or sexual orientation;have a genuine and equal opportunity to participate in cricket in England and Wales at all levels and in all roles and that they are treated fairly, equally and with respect.
4. The aim of this Policy is to ensure that trans people are given every reasonable opportunity to play cricket in England and Wales up to the highest possible level.
5. In preparing this Policy, the ECB has sought advice from Stonewall UK, a charity that campaigns for the rights of trans people, on current best practice in relation to trans people. The ECB has also undertaken a review of the legal requirements relating to trans people, as well as the regulations of the International Olympic Committee and the International Cricket Council (the **ICC**) so far as they relate to trans people.

Commitment of the ECB to Trans People

6. The ECB makes the following commitments:
 - 6.1 that it fully supports trans people and their right to play cricket;
 - 6.2 that it recognises it has a responsibility to ensure that trans people are treated with dignity, fairness and respect by the ECB, all Clubs and all of their respective employees;
 - 6.3 that it will ensure the provision of an open and inclusive environment for all trans people to be able to play cricket in the way in which they feel most comfortable;
 - 6.4 that it will ensure that any training in relation to inclusion and diversity that the ECB runs will provide appropriate guidance about trans people;
 - 6.5 in the event that the behaviour and/or actions of any ECB employee or Club are considered to be inappropriate and/or offensive towards any trans person, the ECB will investigate that matter and, where appropriate, discipline (or procure that the relevant Club) disciplines the relevant individual under the applicable disciplinary policies or other regulations; and
 - 6.6 that it will promote to all other cricket organisations operating under the jurisdiction of the ECB and otherwise that they ensure that trans people are treated with dignity, fairness and respect and aim to provide an open and inclusive environment for all trans people to be able to play cricket in the way in which they feel most comfortable.

Scope and Definitions

7. This Policy uses the definitions in the ECB Safeguarding Procedure and a number of terms associated with trans people that are specific to this Policy. The ECB recognises that trans people identify themselves using a broad array of terms and have sought to be as inclusive as possible by using the following terms:
 - 7.1 **female only** – a cricket competition, league or match governed by the ECB which are available for a woman or a trans woman to compete in;
 - 7.2 **mixed gender** – a cricket competition, league or match governed by the ECB in which a team:
 - a) must consist of both:
 - i) one or more women and/or trans women; and

- ii) one or more men and/or trans men; and
 - b) may consist of one or more individuals identifying themselves as non-binary.
- 7.3 **non-binary** – a term used to describe someone whose gender identity doesn't sit comfortably with "man" or "woman".
- 7.4 **open** – a cricket competition, league or match governed by the ECB in which any individual is eligible to compete in without any restriction relating to gender or gender identity;
- 7.5 **trans person** – a person whose gender is not the same as, or does not sit comfortably with, the gender they were assigned at birth including, but not limited to, a transgender man or a transgender woman;
- 7.6 **transgender man** – a term used to describe someone who is assigned female at birth but identifies and lives as a man; and
- 7.7 **transgender woman** – a term used to describe someone who is assigned male at birth but identifies and lives as a woman.
- 8. This ECB Policy specifically relates to trans people who play or seek to play cricket at or for any Club at any level of professional and recreational cricket in England and Wales. It does not specifically apply to trans people who are coaches, match officials, volunteers or have any other role within the sport of cricket, although the ECB also expects all Clubs to apply the same principles of inclusion to any such individuals.
- 9. This Policy does not apply to any cricket covered by the ICC's Gender Recognition Policy or to any other cricket competitions or matches which are not governed by the ECB.

Eligibility

- 10. All cricket competitions, leagues and matches which are governed by the ECB are either female only, mixed gender or open. Players who reach the required standard may also play in competitions and matches at an international level, which are governed by the ICC.
- 11. For any recreational Club which plays in any cricket competition, league or match which is governed by the ECB, the eligibility of a trans person is determined as follows:

- 11.1 any trans person may compete in any mixed gender competition, league or match in their affirmed gender or preferred gender identity and should be accepted as the gender they present or in their preferred gender identity;
- 11.2 a transgender man may compete in any open competition, league or match and should be accepted in the gender in which they present, but may not compete in any female only competition, league or match;
- 11.3 a transgender woman may compete in any open competition, league or match or any female only competition, league or match and should be accepted in the gender in which they present; and
- 11.4 an individual identifying themselves as non-binary may compete in any open competition, league or match and should be accepted by reference to the gender identity in which they present but may not compete in any female only competition, league or match.
12. For any professional Club and England pathway teams, the eligibility of a trans person is determined as follows:
 - 12.1 any trans person may compete in any mixed gender competition, league or match in their affirmed gender or preferred gender identity and should be accepted as the gender they present or in their preferred gender identity;
 - 12.2 a transgender man may compete in any open competition, league or match, and should be accepted in the gender in which they present, but may not compete in any female-only competition, league or match;
 - 12.3 a transgender woman may compete in any open competition, league or match or any female-only competition, league or match and should be accepted in the gender in which they present subject to the following:
 - (a) a key function of the competitions, leagues and matches included within this section is to provide an environment for cricketers to develop their skills and to support them in achieving any potential they have to represent England in international competitions;
 - (b) the ECB has a duty to ensure fairness and maintain the integrity of these elite level competitions, leagues and matches and the cricketer development structures in these competitions and matches;
 - (c) as a result, all transgender women seeking to compete in these elite level competitions, leagues and matches will be required to apply to the ECB for written clearance to participate using the following procedure:

- (i) the transgender woman should write to the ECB Head of Policy Development to explain the competition(s) or match(es) in which they wish to participate and provide any relevant evidence to support that application;
- (ii) the ECB Head of Policy Development shall consider the evidence on a case-by-case basis and will decide whether the transgender woman should receive clearance to play in the requested competition(s) and match(es);
- (iii) as part of this assessment, the ECB Head of Policy Development will meet with the relevant individual to discuss the aims of that individual in the context of the objectives of this Policy, at which meeting the transgender woman may be accompanied by a legal or any other advisor;
- (iv) no transgender woman shall be entitled to play in any female-only competitions or matches until such time as they have received written clearance to do so from the ECB Head of Policy Development; and
- (v) any transgender woman who wishes to appeal a decision by the ECB Head of Policy Development to decline clearance must be made within 14 days of receipt of the ECB's written decision to a sole arbitrator appointed in accordance with the Arbitration Rules of Sport Resolutions (UK), whose role shall be limited to a consideration of whether the decision being appealed was "Wednesbury unreasonable" and whose decision shall be final and binding; and

12.4 an individual identifying themselves as non-binary may compete in any open competition, league or match and should be accepted by reference to the gender identity in which they present but may not compete in any female only competition, league or match.

13. For international competitions sanctioned and run by the ICC, a trans person should consult the ICC's Gender Recognition Policy. The ICC uses a "medical" model for governing eligibility in contrast to the "social" model used by the ECB in this Policy. However, the ECB is obliged to comply with the requirements of the ICC and will ensure that any trans person eligible to represent any England team in international competitions sanctioned and run by the ICC meets those requirements. A trans person will not be permitted to represent England in such competitions unless and until the ICC is satisfied that their conditions for participation are met.

Data Protection

14. All documentation that contains information about a trans person's past or present gender identity will be managed in accordance with the ECB's policies regarding the management of sensitive and confidential information, as well as in accordance with the Gender Recognition Act 2004 and any relevant data protection law and regulations in force in England and Wales at any time.
15. Any requests for information by a trans person regarding their cricketing status, and their approval to play cricket in certain competitions sanctioned and/or run by the ECB or the ICC, should be made by the relevant trans person concerned, except where the individual is under the age of 18 in which case permission of a parent or guardian should also be provided.
16. Any requests for information by the ECB regarding the gender identity of a trans person should be made by the ECB to the relevant individual concerned, except where the individual is under the age of 18 in which case the request should be made to the relevant parent or guardian.
17. The ECB will only share information with relevant third parties on a need to know basis for the purpose of enabling it to make player eligibility decisions under this Policy.