



National Cup Series

Trans Inclusion Policy

Introduction

Mountaineering Scotland are following the policy below for the purposes of the National Cup Series competitions in 2024, inline with Mountaineering Ireland to ensure continuity across the series for trans competitors wishing to compete.

The purpose of the policy is to ensure equal and fair competition in all disciplines of climbing and to ensure that the trans community can access climbing without fear of discrimination or prejudice. People who identify as trans have the right to be treated with dignity and respect and Mountaineering Scotland operates a zero-tolerance policy on homophobia, biphobia and transphobia.

Mountaineering Scotland will endeavour to go above and beyond legal requirements to provide a truly inclusive experience and where possible, remove all barriers to participation in climbing.

Legislative Framework and Sport Climbing

A. The Gender Recognition Act 2004 (the “Act”) allows trans people to change their legal gender if they wish to. Mountaineering Scotland is fully committed to providing support, advice and guidance to its staff, clubs, committees, coaches, volunteers and participants to ensure trans people can continue their participation in climbing, whilst transitioning.

B. In practical terms, legal recognition will have the effect that, for example a trans woman, will legally be recognised as a female in English law. Applying for a Gender Recognition certificate allows for trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. It is against the law to disclose someone’s trans history. Anyone who has transitioned and feels their history has not been treated confidentially or has experienced transphobia whilst involved in climbing (in any capacity), can contact Mountaineering Scotland for advice and support.

C. The Act makes specific provision for sports organisations to restrict participation by trans people as competitors in an event, or events, involving a gender-affected sport. A sport is considered a gender affected sport if the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender, as competitors in events involving the sport. Mountaineering Scotland aim to ensure that climbing is inclusive for all and the level of participation dictates the level of flexibility afforded to us. Some competitive and elite events are governed by international bodies (see point 5).

D. Such prohibition or restrictions can only be made in order to secure fair competition or the safety of competitors at the event or events. Mountaineering Scotland will support organisations involved with the delivery of events and competitions to ensure fairness and will investigate fully any complaints relating to unfair exclusion from competition climbing.

E. The Equality Act (2010) makes discrimination, directed at a person who identifies as transgender (whether directly or indirectly), against the law. Unwanted conduct (harassment) directed towards trans people and victimisation, someone making a complaint about trans discrimination and being treated less favourably, is also against the law.

F. The International Olympic Committee has established a policy for the participation of trans people in sports competitions (the “IOC Policy”). As the National Federation for the sport of Climbing in Great Britain, Mountaineering Scotland has adopted the IOC Policy in respect of participation in climbing events at an elite or international level.

G. The Trans Gender Policy has been developed in accordance with the Gender Recognition Act 2004, the Equality Act 2010, Sport Council Equality Group (SCEG) policy framework for non-contact sport and the IOC Policy. It recognises the right of an individual who has transitioned to participate in sport in their affirmed gender whilst ensuring that such participation does not unfairly affect competition and does not affect the safety of fellow competitors.

Guidance for Event Organisers

A. Facilities

Ask the individual what communal changing facilities they would prefer to use, as not every changing facility will have private cubicles. This may depend on whether the individual has transitioned or is in the process of transitioning.

Everyone has a right to choose the facilities that they’re comfortable with. All toilet facilities have cubicles, and gender-neutral toilets are becoming more common in public venues. Where possible, we encourage event organisers to make provision for gender neutral toilets by discussing this with their facility provider. Trans people have the right to use any bathroom they want and don’t have to use a gender-neutral bathroom if there is one available.

B. Confidentiality

It is illegal under the Gender Recognition Act 2004 for a person who has acquired trans information in an official capacity to disclose personal information about that person’s gender history if he/she has applied for a gender recognition certificate or been granted one, except with his/her permission or in other very limited circumstances. Any information relating to a trans person's former gender (regardless of whether or not they have a Gender Recognition Certificate) is also likely to be classed as sensitive personal data under the data and privacy laws.

C. Welcoming Trans Children and Young People

Some children change their gender role at a young age, before starting school, or during their early years in school. Children in this situation up to the age of 12 may participate in their affirmed gender without restriction.

Some trans children are given medication to suspend their puberty and prevent the development of sex characteristics. Trans girls will be able to play in competitive sport. It is only when pubertal changes start to occur that any concerns about 'fairness' may arise as that may start to create an advantage of one sex over another.

Providing accessible and welcoming information for young trans people creates an environment where everyone feels valued and those young people have their needs fully considered, without prejudice or transphobia.

Considering the issues below and applying good practice will allow young trans people to feel safe and supported in events:

- that treats all young people with respect and provides equal access to all opportunities, tackling transphobia in the same way as racism, sexism and other forms of discrimination
- anti-bullying policies consider trans issues and are visible within the events setting
- the images the event presents and displays reflect trans diversity
- practices are open and inclusive
- do not automatically assume that everyone is heterosexual or with their assigned birth gender
- positive action is taken to attract a representative group of young people to attend
- personnel and staff have LGBTQ+ awareness training and understand the needs that young trans people may have
- teams reflect the diversity in the community
- all young members to sign the Codes of Conduct

Policy and Procedures for Elite Athletes and Competitive Events

A. Definitions

1. In this policy, the following expressions shall have the following meanings:

(a) “Elite Athlete” means an individual competing in an IFSC Event held in Great Britain or overseas;

(b) “Age Group Representative Athlete” means an individual competing in an IFSC age group category where that individual has been selected to represent Great Britain;

(c) “Domestic Competition” means any event organised and run by Mountaineering Scotland;

Mountaineering Scotland’s requirement relating to the eligibility of trans people to compete in competitions are as follows:

B. Trans Men

2. Any trans men (who was assigned female at birth but identifies and lives as a male) who are recognised under the Equality Act 2010 as someone who is transitioning or has transitioned, are eligible to compete in their affirmed gender without restriction in any Domestic Competition.

C. Trans Women

3. Any trans women (who was assigned male at birth but identifies and lives as a female) who are recognised under the Equality Act 2010 as someone who is transitioning or has transitioned, can compete in domestic competition under the following guidance set out by SCEG;

(a) Trans woman – over 16 and post puberty – may compete in their affirmed gender in female or mixed-sex domestic competition by providing evidence that their hormone therapy has brought blood-measured testosterone levels within the range of their affirmed gender or that they have had a gonadectomy. They may compete in any male or mixed-sex competition if they have not started hormone treatment.

(b) Trans woman – under 16 and post-puberty – may compete in their affirmed gender in any female or mixed-sex domestic competition subject to an individual case by case review, if required, undertaken by Mountaineering Scotland. They may compete in any male or mixed-sex competition if they have not started hormone treatment nor had a gonadectomy.

(c) Trans woman – pre-puberty – may compete in their affirmed gender in any female or mixed-sex domestic competition subject to confirmation of their stage of pubertal development.

D. Age Group Representative/Elite Athlete

An individual who is transitioning or transitioned after puberty may only participate as an Elite Athlete or as an Age Group Representative Athlete under their affirmed gender where they meet the following guidelines set out by the IOC:

4. Those who transition from female to male are eligible to compete in the male category without restriction.

5. Those who transition from male to female are eligible to compete in the female category under the following conditions:

(a) The athlete has declared that their gender identity is female and this declaration cannot be changed for a minimum of four years for sporting purposes.

(b) Hormonal therapy appropriate for the affirmed gender has been administered in a verifiable manner and for a sufficient length of time to minimise gender-related advantages in sport competitions.

(c) For the period of desired eligibility to compete in the female category, the athlete must ensure administration of appropriate hormonal therapy.

6. An individual wishing to participate as an Elite Athlete or as an Age Group Representative Athlete under their affirmed gender will have their application considered by a Medical Officer. For the avoidance of doubt, the Medical Officer will assess the application to ensure that the individual meets the conditions set out in clause 5.

7. An individual whose application pursuant to clause 7 is refused will have the right to appeal that decision to an independent appeals panel established by the Sports Disputes Resolution Panel or similar body.

E. Privacy

8. Mountaineering Scotland (and its officers and staff) and any organisers of event(s) sanctioned by the Mountaineering Scotland shall not disclose any information obtained from an individual in accordance with this policy unless:

(a) The disclosure of that information does not enable the individual competitor to be identified;

(b) The individual competitor to whom the information relates has agreed to its disclosure;
or

(c) It is under a legal duty to disclose the information.

Key Terminology:

AFFIRMED (ACQUIRED) GENDER- The term 'affirmed' or 'acquired gender' is sometimes used to describe a person has transitioned/is transitioning to, however current guidance is to use the term transitioning or transitioned.

ALLY – A (typically) straight and/or cis person who supports members of the LGBT community.

CISGENDER OR CIS – Someone whose gender identity is the same as the sex they were assigned at birth. Non-trans is also used by some people.

COMING OUT – When a person first tells someone/others about their identity as lesbian, gay, bi or trans.

DEADNAMING- Calling someone by their birth name after they have changed their name. This term is often associated with trans people who have changed their name as part of their transition.

GENDER DYSPHORIA- Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who doesn't feel comfortable with the gender they were assigned at birth.

GENDER EXPRESSION – How a person chooses to outwardly express their gender, within the context of societal expectations of gender. A person who does not conform to societal expectations of gender may not, however, identify as trans.

GENDER IDENTITY - A person's innate sense of their own gender, whether male, female or something else (see non-binary below), which may or may not correspond to the sex assigned at birth.

GENDER REASSIGNMENT- This is a contentious term and appears in current UK legislation. This term generally refers to some form of medical intervention. Use of Transitioning advisable.

GENDER RECOGNITION CERTIFICATE (GRC)- This enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. Not all trans people will apply for a GRC and you currently have to be over 18 to apply. You do not need a GRC to change your gender markers at work or to legally change your gender on other documents such as your passport.

GILLICK COMPETENCE – A term used in medical law to decide whether a child (under 16 years of age) is able to consent to their own medical treatment, without the need for parental permission or knowledge.

NON-BINARY – An umbrella term for a person who does not identify as only male or only female, or who may identify as both.

TRANSGENDER (OR TRANS) PERSON- An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) Transgender, Transsexual, Gender-queer (GQ), Gender-fluid, Non-binary, Gender-variant, Crossdresser, Genderless, Agender, Nongender, Third gender, Two-spirit, Bi-gender, Trans man, Trans woman, Trans masculine, Trans feminine and Neutrois.

TRANSSEXUAL- This was used in the past as a more medical term (similarly to homosexual) to refer to someone who transitioned to live in the 'opposite' gender to the one assigned at birth. This term is still used by some although many people prefer the term trans or transgender.

TRANSITIONING – The steps a trans person may take to live in the gender with which they identify. Each person's transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.