

Guidance For Front Line Staff To Assist Trans People To Access Leisure Facilities

Supported by:



1.

While we are not a regulatory body, we do promote safe and inclusive practices among all ukactive members. We want all facilities to provide a safe and welcoming environment for everyone wishing to access them. As such we have developed this guidance for our members to use as a basis to create their own policy - not all elements will be suitable/possible for all.

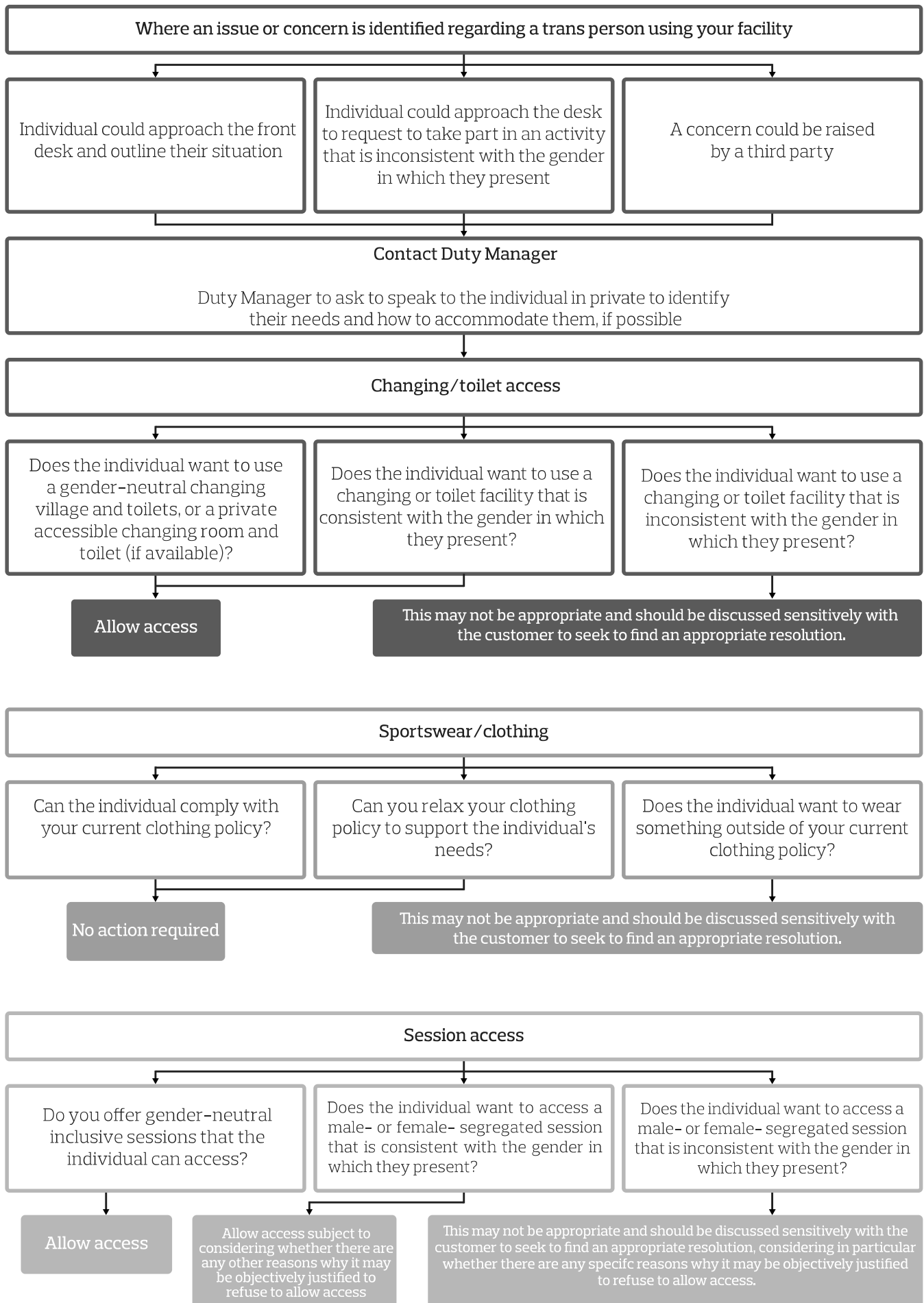
Aim of guidance for front line staff in customer facing environments

To assist in accessing the use of facilities by trans people. The overall aim of the guidance is to encourage everyone to say 'yes you're welcome'. In some circumstances the receptionists, leisure assistants, lifeguards and cleaning staff may be the first ones asked to deal with questions.

This guidance is aimed at customers who are classed as an adult i.e. 16 or 18 depending on local policies. This age is 18 in the majority of the United Kingdom, as per the Gender Recognition Act (2004). Advice should be sought on a case-by-case basis in relation to children who identify as trans.

Who are trans people?

Although the words 'gender' and 'sex' both have the sense of 'the state of being male or female', they are typically used in different ways. 'Sex' tends to refer to biological differences, while 'gender' tends to refer to cultural or social ones. A trans person is someone who feels that the sex they were assigned at birth (male or female) does not match or sit easily with their sense of their own gender and is taking, or has taken, steps to change the gender identity they were assigned at birth.



2.

The Legal Position

The current legal position is set out in the Gender Recognition Act (2004) and the Equality Act (2010). The Gender Recognition Act (2004) is the law that governs the process of gender transition and how trans people can have their gender identity legally recognised by obtaining a Gender Recognition Certificate (GRC). The Equality Act (2010) provides a legal framework to protect the rights of individuals and advance equality of opportunity. It names nine protected characteristics, of which gender reassignment is one, and it outlines prohibited conduct against these characteristics.

In short it outlines that:

- a) 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 gender by changing physiological or other attributes of sex. (It is not necessary for a person to have obtained a GRC.)
- b) You must avoid discriminating against trans people.
- c) A trans person should be treated as belonging to the sex in which they present (as opposed to the physical sex they were born with) unless you can objectively justify treating them differently.
- d) Where a trans person is visually indistinguishable from someone of their preferred gender, they should be treated according to their acquired gender unless there are strong reasons not to do so.

3.

Knowledge and Understanding

- a) **Language:**
Trans people may describe themselves using one or more of a wide variety of terms, but throughout this toolkit, the word 'trans' has been used to encompass all of these varying terms.
- b) **Trans:**
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.
- c) **Transitioning:**
The steps a trans person takes 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.

d) **Pronouns – and getting the language right:**

A lot of people worry about saying the wrong thing when speaking with trans people and the risk of offending them. Pronouns are words we use to refer to people's gender in conversation. For example, 'he' or 'she'. Some people prefer gender-neutral language like they/their or alternatively ze/zir, ze/hir, xe/xem. Asking someone which pronouns they prefer helps you avoid making assumptions and potentially getting it wrong. It also gives the person the opportunity to tell you what they prefer.

If you make a mistake, apologise, correct yourself and move on.

Examples of pronouns include I, me, mine, he/she, his/her, herself, they/them, we, us, ours and ourselves.

e) **Changing:**

Many facilities differ in terms of changing facilities available. You should support customers to use the changing facilities that are best for them. Sex-segregated changing could be an option and a trans person should be permitted to use whichever single-sex area they choose. However, an operator may restrict access to this area if doing so can be objectively justified as a proportionate means of achieving a legitimate aim. A customer may prefer to use separate changing facilities but they should not be forced to do so without prior discussion and agreement.

f) **Sportswear:**

You should support customers to wear sportswear that is comfortable and appropriate for them. Levels of appropriateness will depend on the type of activity or session they would like to attend. For example, if a female-to-male trans customer has not yet had top surgery, or is not planning to in the future, then you may need to ask the customer to consider wearing clothes that appropriately keep their chest covered, even if in a male-only session. The solution will differ for each person, and should be agreed only after discussion with the customer.

g) **Sessions:**

You should support customers to access the most appropriate session for them. Where a trans customer wishes to attend a sex-segregated session, this should be accommodated where possible, unless there is a specific reason why this is not appropriate and there is no other way of accommodating all parties' needs. This will need discussion with facility managers as each session is included for different reasons, and you need to ensure that the reason and target audience needs are aligned. This will also need to be discussed with the customer and all reasonable steps should be taken to facilitate attendance at the preferred session or find a suitable alternative session that is accessible to the customer.

- h) **Dealing with complaints:**
You should adopt a zero tolerance policy on any transphobic behaviour from staff or facility users. Try to be aware of any potential transphobic behaviour which could occur before or after a session, both in or around the facility, and be prepared to challenge transphobic language, attitudes and behaviours. Explain your and their requirements within the law to the person objecting, and affirm that you will be supporting your trans facility users together with all other users as much as possible. But remember it is important that everyone has the best experience possible at your facility, so there may need to be some compromise. In terms of educating other facility users, direct them to literature online, link them with a local LGBT association, or perhaps even consider running workshops at your facility for anyone to attend.
- i) **Culture:**
Be aware that when encouraging trans participation, some individuals may have more difficulty understanding why someone who looks different to them is accessing the same provisions as them. Whilst you cannot stop this you can make the trans person aware that they may get some stares, comments or animosity, but reaffirm that they have your full support and that any negativity will be challenged. Many leisure facilities provide gender-specific sessions in order to tackle inequality of participation. If an operator believes that these sessions may not be appropriate for trans people in light of the specific aim of the sessions, it must consider whether they can objectively justify limiting participation in this way.
- j) **Confidentiality:**
If you think that someone may be trans, but they choose not to tell you, you should not ask about their private life or medical history or discuss them with anyone else. Everyone is entitled to be treated as a member of their self-identified gender and to appropriate 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. It is potentially unlawful for a member of staff to disclose that someone is trans without their specific permission to do so.

4. Further Reading

More information can be found from a variety of sources including but not limited to the following documents and guidance which are listed here as examples only:

The Equality Act (2010): legislation:
<http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Gender Recognition Act (2004): legislation:
<https://www.legislation.gov.uk/ukpga/2004/7/contents>

The Equality and Human Rights Commission on gender reassignment discrimination:
<https://www.equalityhumanrights.com/en/advice-and-guidance/gender-reassignment-discrimination>

The Equality and Human Rights Commission guidance and support for the Equality Act (2010):
There is a whole section dedicated to support for service providers:
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>

The Equality and Human Rights Commission on 'Equality law - Gyms, health clubs and sporting activity providers':
<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-law-gyms-health-clubs-and-sporting-activity-providers>

The Equality and Human Rights Commission on exceptions:
<https://www.equalityhumanrights.com/en/advice-and-guidance/core-guidance-businesses#acc-para651>

Stonewall:
<https://www.stonewall.org.uk>

Gendered Intelligence:
<https://genderedintelligence.co.uk>

For further information around specific sports, please contact the relevant Governing Body.