



11th April 2021

Dear Alys,

cc Sue Day, English Constituent Bodies and Women's teams

Following the policy release and opening of the RFU's Transgender and Non-binary consultation on March 31st, the 22 member clubs of International Gay Rugby (IGR) in England have taken the time to complete a review of the suggestions made. This review included discussions with members of the women's game and transgender players in recognition of our position as a predominantly cis-male led organisation. We offer our feedback as an addition to the online consultation our membership has completed, with the simple aim of engaging in constructive dialogue and to start a conversation with you to support our sport with a complex and emotive issue.

In October last year we welcomed the RFU's rejection of the World Rugby ban on the participation of transgender players, as well as the announcement that you would develop your own method to address concerns over safety and fairness. We are encouraged by the steps taken in the area of youth, non-binary and transgender male participation and the work that is going into finding a solution for transgender women. However, we need to be honest and frank about very real concerns we have with the policy as it is proposed; these are based on our shared values of teamwork, respect and fairness.

Our primary concerns centre on a lack of transparency in the proposal: there is insufficient detail on the "why" and "how", which has led to anxiety and a lack of trust from the community that this will ultimately impact the most.

We understand the RFU is constrained in the production of any policy that has to create a framework in which they measure sex and performance. We appreciate these being acknowledged and explained through parts of the video and policy, including:

- a) Contact rugby is gender affected, this means a binary and medical model of sex is always going to be considered in the sport by the RFU, in particular, as they are responsible for player welfare and are legally liable in the event of catastrophic injury.
- b) The RFU operates with world stakeholders who have very specific responses to gender affected sports, including World Rugby and the International Olympic Committee.
- c) Sport in general operates a medical model of sex rather than a social model of gender so it is understandable to see biological markers throughout the policy.

Nevertheless, we feel there are issues that need to be addressed:

1. The RFU throughout the video talks about the purpose being to create a more inclusive sport for trans and non-binary people; however, the delivery and language in our opinion falls short of

- achieving this. For example, the use of some terminology, especially in the feedback form, is a barrier to understanding for those not used to the field or without referring back to the glossary.
2. The tone throughout the document does, at times, reaffirm perceptions around trans inclusion needing to focus on safety. Even though it is highlighted that research shows size does not influence injury risk, the contradiction stands and needs revision.
 3. The language in the document needs to be further developed to shift from 'protecting cis people' to protecting and supporting the trans and non-binary players that will be required to go through an invasive process into their private life. We accept there are concerns from both communities and a balance is needed but this policy by design impacts the experience for trans people, so the language should reflect that.
 4. The proposed policy does not cite the trans and/or non-binary groups, experts (medical or sport related), RFU representatives, or any other group who were consulted throughout the process to demonstrate that the right stakeholders were engaged and supported the writing of the policy.
 5. Similarly, the references within the policy are limiting and it is unclear why those 'expert' resources were selected to support the decisions behind developing the proposed policy and the underlying process. This leads to further questions:
 - Why those specific height and weight levels?
 - Why look at the general population when the rugby community, due to the nature of the game, rarely fit those trends?

There is a fundamental objection to the introduction of these new restrictions. We would ask for considerably more detail to understand how it can be fairly and proportionately implemented and if it is required at all.

6. There are additionally some issues with the proposed processes:
 - a) At times throughout the policy there is a reference to 'notify RFU' or 'contact RFU'. As trans identities are protected under the Equality Act 2010, this should be softened to provide either a named individual or at least a specific role with the organisation.
 - b) Throughout this document there are concerns around the handling of data, the applicant's status and transparency around it. We feel there should be more detail or link to specific policies that will be of help including but not limited to:
 - Data management,
 - Equality, Diversity & Inclusion,
 - Mental health,
 - Bullying, victimisation and harassment.
 - c) There are continuous references to a panel and a set of decision-makers. However, the qualification, in regard to an understanding of medical and social gender transition, of the panel is not described. Additionally, the criteria for the selection process to ensure that those decision-makers have the appropriate level of expertise, experience or training, or that there would be representation of the trans and/or non-binary communities, are not mentioned. For example, the RFU should better define 'a qualified and appropriately experienced RFU coach/personnel.'
 - d) In any panel selection we would ask the RFU to outline its process to ensure any unconscious bias is considered and countered.
 - e) The policy introduces new tests, above and beyond hormone levels and the tests in the current process, which our members need clarity on, especially those already registered. The prospect of reapplying to play the game they have been safely doing is not welcomed; what considerations have been made for these existing players? If you do intend them to reapply, what are their options, particularly if they fail the new assessments?

- f) Within the process for trans men and non-binary participation, the policy does not describe the risks borne by the player if they were to sign the requisite declaration and receive approval to play (e.g., insurance cover and liability).
- g) The policy creates a possible situation where members of a club will need to either “out” themselves to play or where a club is unsure of its legal status. This gap is of concern as no organisation wants to expose itself to risk but also needs to respect and support its members’ right to privacy.
- h) The policy excludes intersex players, specifically, and this should be covered (i.e., a person who is born with reproductive or sexual anatomy that does not fit the boxes of “female” or “male”).

Recommendations based on the above:

Given the aforementioned constraints within which we appreciate the RFU must work, we still feel there are areas in which it could be improved, and we recommend:

1. An Equality Impact Assessment should be conducted that is multi-dimensional and includes stakeholders.
2. The document should be reviewed by the RFU D&I team and get input from stakeholders and experts, to ensure it is balanced in its support for trans inclusion and a need to educate cis people on trans inclusion.
3. There should be some clear references to what support trans people can access or expect to access from RFU or third-party organisations through the processes.
4. A more detailed and transparent break down of the reasons behind the height and weight limits, how the panels and decision makers will be selected and what the assessments will involve should be published.
5. A more detailed breakdown of what the assessments will involve and a commitment to ensuring that assessors/coaches are adequately trained, specifically on topics of trans Inclusion should be published.
6. The policy should be broadened to also include guidance for intersex participation.
7. Create resources and support for clubs to ensure they are not put in the position of having to ask members to “out” themselves, whilst also being covered should someone not follow the RFU policy.
8. Develop tools and resources and ensure they are easily accessible for all levels of the game on diverse and inclusive behaviours and ways of working.

We appreciate the work that has gone into this policy and the ongoing engagement, we know that the RFU is working to deliver for all in our sport. We appreciate the need for constant review and would ask that be factored into the policy, as we all continue to progress in making rugby a more inclusive space. We support a case-by-case scenario that looks at the person and the sport and works with them to ensure all can enjoy the game. This must come from a position of inclusion, though, and any process be one of providing access to the game not putting up barriers.

The clubs involved in this review will continue to play an active role in supporting the understanding of these complex subjects in our local community game and stand ready to work alongside the RFU in helping draft, test and implement inclusive practices for all.

We are proud of the work being done in the RFU across the Diversity and Inclusion space – that many of us are actively engaged in. We would ask that we arrange a meeting to discuss the content of this letter, the policy and wider issues including challenging international positions on trans participation, with the aim of continuing our close partnership and supporting each other.

Yours in rugby,

Matt Webb, Kings Cross Steelers RFC

Tommy Snipe, Reading Renegades RFC

Mike Turner, Liverpool Tritons RUFC

Ben Ryder, The Leeds Hunters RUFC

Gareth Longley, Manchester Village Spartans RUFC

Ian Chaplin, Brighton & Hove Sea Serpents RFC

Stephen Murtagh, Wessex Wyverns RFC

Charlie Thorning-Curtis, Westcountry Wasps RFC

Darren Chester, Berkshire Unicorns RFC

Donald Calcott, Bristol Bisons RFC

Samuel Tong, Worcester RFC Saxons

David Cumpston, Birmingham Bulls RFC

Paul Nancarrow, Nottinghamshire Hurricanes RFC

Glenn Allen, Sheffield Vulcans RUFC

Simon Chapman & Stephanie Smith, Northampton Outlaws RFC

Diego Dominguez Domenech, Coventry Corsairs RFC

Christopher Goulding, Typhoons RFC

Andrew James, Chester Centurions RUFC

Bas Olthof-Bakker, Newcastle Ravens RFC

Michael Smith, The London Stags RFC

Dave Carr, York RI Templars

David Eldridge, Hull Roundheads RUFC