

# Written evidence submitted by Fair Play For Women

Fair Play For Women Ltd is a campaigning and consultancy organisation which raises awareness, provides evidence and analysis and works to protect the sex-based rights of women and girls in the UK. Founded in 2017, our work is focused on those areas where gender-and sex-based rights conflict in law and policy making. Our aim is to ensure everyone's needs are fairly balanced and women and girls are not overlooked in good policy-making.

We believe in compassion and fairness for all. We support the rights of trans people to live in safety and to be treated fairly. We also support the rights of women and girls, and this is our focus. Protecting these rights in law requires that sex is not conflated with gender identity.

We are experienced policy stakeholder representatives acting on behalf of women and girls. We have participated in transgender sport policy meetings held by the IOC, World Athletics, World Rugby, Sport England, UK Sport, British Triathlon, Volleyball England, the Football Association, British Swimming, and many others, and on non-sport policy issues by MOJ, IPSO, EHRC, GEO, ONS and numerous private organisations.

## **Executive summary**

The growth of women's football, and women's sport in general, risks being undermined by the inclusion in female sport of males with a trans identity. Sport must be inclusive of all but the female category cannot be inclusive of those who have been through male puberty, as this leads to female exclusion. Eligibility for female categories must be restored to their original definition, based on sex at birth, and other solutions found for trans-identifying people.

### *1. How can the growth in domestic women's football be accelerated?*

The first step is for the football associations across all the home nations to reinstate female-only football. The growth could be so much more than it is. There are women and girls dropping out of football at every level because they come up against male players in women's teams. These players may have a trans identity, but they have all the advantages of male puberty, giving them greater speed and strength so they are always a step ahead of their female team mates and opponents. In football this is generally amplified by social factors: boys are much more likely to play football from an early age so their ball skills are ahead of girls of the same age, and the gap grows through the years.

Fair Play For Women has been contacted by women and girls all over the country, from casual football leagues to semi-professional teams, telling us how this is affecting them. Here are a few real examples:

- Teenage girls in school teams are facing teenage boys, who out run them easily and score all the goals. The girls are told they must not point out that there is a male player in the other team. They can see the sex of the person but they cannot see a gender identity so it just feels unfair. We have heard of many examples of this in England and Scotland.

- University students playing serious football and perhaps aiming to be professional are hearing male voices in the opposition, seeing male bodies, and finding that in a tackle they always lose out, because of the much greater upper body strength of males. Again, in both England and Scotland this has been reported to us.
- A group of adult women playing casual football wanted to make their own team a female-only team. They all agreed that was what they wanted. But other teams in their league refused to play them when they heard what the team had decided. That team was forced to accept trans-identifying males in it, or else stop playing.
- Older women playing football for the first time, which takes some courage, have lost confidence and given up because the transwomen are so much better. So the women feel they are not good enough to be there.
- Women who have not been sporty, or who have had poor health, who've found walking football as a great new way to be active, where their lack of experience and fitness doesn't matter, have been told they cannot have a female-only team without transwomen. This is despite the fact there is also a mixed team where the transwoman plays. A young Muslim woman was told she had to accept this person as a woman, even though she could see a male in his fifties, and even though she said she could not play in a mixed sex team. IN another part of the country, the same thing happened.

Sport should be inclusive but female sport cannot be inclusive of people who have been through male puberty. Transgender inclusion in female sport leads to female exclusion or self-exclusion, as these examples show. The FA is currently reviewing its transgender policy. It must confront the reality that male puberty is irreversible, and that female-only teams need to exclude males of all gender identities. Football in this country is 90% male, so there are already many trans-identifying males playing. The FA knows of around fifty, but there will be others not registered, and this is a growing issue among younger players. The football associations must grasp the nettle now. It will only get harder if they do not.

## 2. *What should other sports be learning from the growth of women's football leagues in the UK?*

It is apparent that audiences enjoy watching skilled players. It is essential that this is not damaged, in football or any other sport, by allowing male players into the women's teams. Their physical advantages mean that a less skilled male can compete in a skilled women's team. On the football field, poorer ball skills show very readily. Yet older males or less-skilled males can compete against younger, more-skilled female players because of their male strength and speed. In professional and semi-professional women's teams, there are several transwomen players in their thirties, often the oldest player in their team. Their careers in a women's team will be extended because of their male strength and speed. This will, in time, cost younger women opportunities.

In some sports it is not unusual for the top women to compete against lower-level men, as their speed is similar. In cycling, for example, elite women may race with lower-tier men. But the bike-handling skills of the men will be noticeably inferior. Similarly in swimming, it's been noted that the trans-identifying male swimmer Lia Thomas who won an NCAA championship event in the USA had visibly poorer technique than the women who were beaten by Thomas. This does nothing to make

the sport attractive to audiences.

*3. What is needed for women's sporting organisations to grow audiences and revenues?*

Over time, more participation at all levels will bring more skilled players, which in turn becomes more watchable. This is especially true if girls can see that there is a career in football, or in another sport. But already we are hearing of talented girls being deterred in their teens by the unfairness and discomfort of playing with and against males. The talent pathways will be damaged if we do not protect them for girls and young women. One trans-identifying male can have a deterrent effect on many females. It is not just about losing a place in the team or on the podium. It's about the realisation that no matter how hard she works, a girl, and then a woman, is always at a significant disadvantage to a male of similar skills and experience.

*4. What action is needed to tackle sexism and misogyny in sport?*

The open sexism of sports fans is disturbing. There should be as little tolerance of sexism and misogyny as there is of racism.

Respecting women and girls for their own skills is part of this. Allowing women and girls to have their own teams and events, their own changing rooms, and not requiring them to include males who want to be there, must be a minimum standard. Anything else simply signals to female players that male players' feelings and needs come first. That is why the principle of female-only eligibility for female teams must apply at all levels.

*5. What needs to change at a regulatory level to facilitate more parity between men's and women's sport?*

It is beyond debate that women and girls need their own changing rooms, sessions, coaches and teams, as well as equitable access to training and playing facilities. It should be apparent that this must be based on birth sex and not on identity. For every female footballer there are nine males. So if trans-identifying males are permitted to join women's teams, those teams will rapidly become mixed sex. Women and girls will lose places, while others will self-exclude. The same risk exists in almost every sport. The opportunity is now to accept the findings of the Sports Council Equality Group report (published September 2021) and reinstate eligibility for female sport based on birth sex. This is permitted under the Equality Act section 195 and should be promoted. It is the only viable way to support and encourage full participation of women and girls in sport.

**Fiona McAnena**  
**Director of sport**  
**Fair Play For Women**

**2 February 2023**

Also attached: our submission to the committee's inquiry into grassroots participation in sport and physical activity, from September 2022, which gives further evidence of the issues raised.

## **Submission from Fair Play For Women to the DCMS committee Call for Evidence for the Inquiry into grassroots participation in sport and physical activity**

### **1. About Fair Play For Women**

Fair Play For Women Ltd is a campaigning and consultancy organisation which raises awareness, provides evidence and analysis and works to protect the sex-based rights of women and girls in the UK.

Founded in 2017, our work is focused on those areas where gender-and sex-based rights conflict in law and policy making. Our aim is to ensure everyone's needs are fairly balanced and women and girls are not overlooked in good policy-making.

We believe in compassion and fairness for all. We support the rights of trans people to live in safety and to be treated fairly. We also support the rights of women and girls, and this is our focus. Protecting these rights in law requires that sex is not conflated with gender identity.

We are experienced policy stakeholder representatives acting on behalf of women and girls. To date we have been invited to engage in transgender sport policy meetings held by, inter alia, the IOC, World Athletics, World Rugby, Sport England, UK Sport, and on non-sport policy issues by MOJ, IPSO, EHRC, GEO, ONS and numerous private organisations.

### **2. Executive summary**

This submission illustrates the threat to female participation in sport and physical activity in our communities being caused by transgender inclusion policies which have been widely adopted at many levels in almost all sports without any Equality Impact Assessment and which are having a negative impact.

This is leading to two specific problems:

- a. Self-exclusion by women and girls.
- b. confusion and difficulty for volunteers in community sports clubs, including coaches, referees/umpires and safeguarding officers.

When faced with this problem, some females self-exclude, often without comment. This means that their loss often goes unnoticed. Therefore it is difficult to quantify the impact. But this is already a significant problem. Just one trans-identifying male has an impact on many females, who may be deterred for reasons of privacy or fairness, or fearful for reasons of safety.

Unless this is addressed, all the good work being done to increase female participation, and to ensure there are volunteers to enable female and junior participation, will be countered to some extent by rules created to support a small number of males but which impact a large number of females.

The committee should call on NGBs in the UK to follow the SCEG guidance and reinstate female-only sport and recreational opportunities. These can be alongside mixed-sex sport and physical activity, so as to ensure there is a place for everyone.

### **3. Participation of half the population is being adversely affected by one policy aimed at another group.**

Inclusion in sport and physical activity is important, and solutions should be found for all groups. But solutions for one group must not be to the detriment of others. The Sports Council Equality Group guidance issued in September 2021 has made it clear that the wish of transgender people to play sport in their target gender is not compatible with fairness - and, in some cases safety - for females. The SCEG guidance proposes a range of options to ensure there is a place for trans people in sport without compromising the fair and safe participation of females.

While some national governing bodies for some sports including England Rugby, British Triathlon and England Volleyball have now issued amended policies which reinstate a female category based on birth sex, and others including athletics and swimming are reviewing their policies, most have not yet done so.

Some sports including cycling have already confirmed that they will continue to allow people who have been through male puberty into events intended for females. This is continuing right now in cycling events across the UK. Despite the publicity around one elite male being denied a female racing licence, there are adult males who identify as women winning other cycling competitions in the UK. Their identity is something only they know, but their male performance advantage gained from male puberty remains and confers an unfair advantage in female competition. It is lawful to organise sport by sex not identity, as set out in section 195 of the Equality Act. Growing female participation depends on this being enacted.

### **4. This is having a material but unquantified impact on female participation**

Self-exclusion is hard to track but it is happening all over the UK. Fair Play For Women has been contacted by many women affected, though few feel able to speak openly. Some examples are reported in these two recent UK media articles:

<https://www.dailymail.co.uk/news/article-10680003/Amateur-women-girls-Britain-quitting-sport-facing-male-bodied-opponents.htm>

<https://thecritic.co.uk/let-women-swim/>

This may seem like a matter of just a few trans-identifying people, but just one trans-identifying male has an impact on many females, who may be deterred for reasons of privacy or fairness, or fearful for reasons of safety.

Women and girls are half the population but are under-represented in physical activity and sport. Many NGBs are working to change this. Their own approach to trans inclusion rule, cascaded down to local clubs, is undermining this.

Asian women are particularly affected by these policies, as they can no longer rely on single-sex facilities or provision. We have heard of Muslim women who left their sport or non-competitive physical activity (swimming) for this reason. There is no suggestion of any mal-intent by trans people, but if single-sex cannot be assured then it becomes out of bounds for some women.

Disabled women are also disproportionately affected. Those with physical disabilities typically feel more vulnerable especially when using toilets or changing rooms. The arrival or presence of a male person causes anxiety. Women with physical defects, such as the post-mastectomy scars of the

woman mentioned in the Critic article, also want guaranteed female spaces and provision. Those who have had trauma involving men will of course feel this too. We have heard from women who wanted to join British Cycling's women-only recreational Breeze rides for this reason, and being frightened by a male voice where they did not expect it. We've heard from others who wanted to join those rides so they could be confident of keeping up, only to find a transgender person leading the ride at a pace they could not manage. All of these factors are deterring women from participating in sport and physical activity.

## **5. Volunteers are being put in an impossible position**

Most grass roots sport clubs rely heavily on volunteers, to run the club, to coach juniors and beginners, to supervise juniors in training and play, and to fulfil specific roles such as match referees/ umpires/ safeguarding officers etc.

The specific concerns reported by volunteer match/ event officials include:

- a. safety fears for women playing contact sport against trans-identifying men
- b. personal liability concerns, since in most cases it is not permissible to challenge a trans-identifying player who presents themselves to play
- c. ethical concerns, in being expected to pretend all is safe and fair, when it is clearly not

Some of the coaches and match officials who have contacted Fair Play For Women have also mentioned wider safety fears for both female and trans players. Especially in junior matches, they are concerned that in the event of a trans-identified player injuring, or being perceived to injure, a female player, angry parents could harm the trans player, emotionally and perhaps even physically.

Grass roots sport depends on volunteers operating within a framework that provides safety and fairness. Volunteers need to be given clear guidance which they know they may act upon, and rules which can be implemented without fear of negative consequences for themselves, for players or for their club.

Unless this is addressed, all the good work done to increase female participation, and to ensure there are volunteers to enable female and junior participation, will be countered to some extent by rules created to support a small number of males but which impact a large number of females.

## **Conclusion**

The committee should call on NGBs in the UK to follow the SCEG guidance and reinstate female-only sport and recreational opportunities.

Dr Nicola Williams

Fair Play For Women

September 2022