

	<h2>INCLUSION POLICY</h2>	Last Edited: Dec 2023
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School Sport Western Australia [SSWA] supports the right of ALL students to access the same opportunities to school sport as their peers. All schools and school sporting structures have a legal and a moral obligation to provide the same access, where appropriate, to school sport for all students regardless of gender, race or culture.

STUDENTS WITH DISABILITIES

SSWA will work with State Sporting Organisations (SSOs) and the existing school sport structures to ensure that opportunities are provided for all students, regardless of gender, race or culture, to play sport in settings where students with disabilities compete with abled bodied students and in settings where they compete against other students with a disability.

SSWA believes that the first level of entry to school sport is critical, and must be inclusive. This level provides valuable integrated opportunities for all students to play sport with their peers. Where practical, schools must ensure that minor modifications are made to the rules at the first level of entry to better include all students. This is best done at a local level, and between schools, using a common sense approach to competition.

SSWA is also committed to providing opportunities for students with disabilities to compete in sport and will work with the Special School Sports Associations, SSOs and the Australian Paralympic Committee (APC) to ensure that competition opportunities will exist for students with a disability, and that the pathways between school and community sport will be mirrored.

Each SSWA sport's committee will decide what competition opportunities should be set up for students with a disability. The SSWA Disability Sport Coordinator will inform and support the sports specific committees and SSWA staff.

TRANSGENDER STUDENTS

BACKGROUND

This policy is to be read in conjunction with Department of Education "Revised Equal Opportunity, Discrimination and Harassment policy and procedures." Supporting Transgender and intersex students

POLICY

SSWA will work with schools, the Education Department, SSOs and other school sport structures to ensure that opportunities are provided for all students to play sport competitively regardless of their gender identity and to build the confidence and capacity of schools to support gender diversity.

SSWA has an inclusive approach to transgender students playing sport competitively and schools should encourage participation in sport by transgender students. All students benefit socially, emotionally and physically by participating in sport and evidence supports the notion that improvements in academic results occur when students actively participate in school sport.

It is unlawful to discriminate on the basis of a person's gender identity. Refusing or failing to select a student in a sporting team, or excluding a student from participating in a sporting activity, on the basis of that student's gender identity may constitute unlawful discrimination.

There are exceptional circumstances in which exclusion of a student aged 12 years or over from a competitive sporting activity on the basis of their gender identity, may not constitute unlawful discrimination. The law (Equal Opportunity Act WA) provides, that in limited circumstances where the **strength, stamina or physique** of players is relevant in a competitive sporting activity, it may be lawful to exclude a student on the basis of their gender identity. In deciding whether to apply this exception to discrimination, consideration should be given to:

- whether the student would have an unfair physical advantage over other students; and
- in sporting competitions involving player-to-player contact, whether the disparity in strength or physique of a student of transgender status differs so significantly that it may give rise to concerns for the safety of the student or other students.

In consultation with its stakeholders (including Equal Opportunity Commission WA, the transgender community, the Safe Schools Coalition and the Education Department), SSWA will act as facilitator, upon request from schools, as to whether strength, stamina or physique is relevant, practical examples, team sports vs individual sports etc.

Even if these exceptional circumstances apply, it is equally lawful to decide to *allow* a transgender student to participate, regardless of whether there are circumstances that may permit exception to discrimination under the law.

Before making a decision to exclude a student on the basis of their gender identity from participating in a competitive school sporting activity or modifying participation in an activity, SSWA will:

1. consult with the student and their parents/carers and provide them with the opportunity to have input into any decision to exclude the student from a competitive sporting activity;
2. consider how best to respect the dignity of the student;
3. consider and act compatibly with the human rights of the student, including their right to enjoy their human rights without discrimination; and
4. consider the student's right to privacy and the impact any decision may have on this right. Information about a student's gender identity is personal information and should not be disclosed to the wider school community without the consent of the student.
5. Consult the school & SSO whenever relevant, allowing all stakeholders to be informed.

GUIDELINES FOR THE IMPLEMENTATION OF THIS POLICY

SSWA will consult with the affected school where possible

STUDENTS 11 YEARS AND YOUNGER

- Students 11 years or younger will be permitted to compete in SSWA competitions as the gender to which they identify.

STUDENTS 12 YEARS AND OLDER

- Transgender students should **only** be excluded from participation in competitive school sporting activities on the basis of their gender identity in **exceptional circumstances**, such as the student exhibiting considerable disparities in strength, stamina or physique, and considering whether:
 - the student would have an unfair physical advantage over other students; and
 - in sporting competitions involving player-to-player contact, whether the disparity in strength or physique of a student of transgender status differs so significantly that it may give rise to concerns for the safety of the student or other students.
- Any decision to exclude a transgender student will only be made after considering the particular circumstances of the student and the factors set out above.
- *If schools require assistance in making a decision whether to exclude a transgender student from participating in a competitive sporting activity where the strength, stamina or physique of players is relevant, they can contact SSWA.*

ENDORSEMENT

This policy was first endorsed by the School Sport WA Management Committee on 4 April 2017

REVIEW

This policy was revised in November 2017, March 2018 and December 2023.