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## How is Gender implicated in institutional design and change? The role of Informal institutions:

### A case study of Police and Crime Commissioners in England and Wales

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## Abstract

To understand how gender is implicated in institutional design and change, four interlinked elements are important: (a) rules about gender; (b) rules with gendered effects; (c) gendered actors working with rules; and (d) gendered outcomes. This framework has been developed and tested in quantitative research on Police and Crime Commissioners (PCCs) in England and Wales (Gains and Lowndes 2014). That analysis is extended and deepened in this paper through a consideration of the role of *informal institutional rules*. As quantitative research finds it hard to identify and measure informal rules, the paper adopts a mixed methods approach. Using the PCCs case study, the paper seeks to uncover informal rules about gender and other informal rules that have gendered effects, and to analyse how they constrain and/or empower gendered actors, and with what outcomes. Understanding these relationships at a theoretical level is important for informing reform strategies in respect of the gendered operation of public policy institutions. How can informal rules be identified? What ‘work’ do they do in gendering institutions? And can they be subject to intentional design or reform in pursuit of gender justice?

## Introduction

To understand how gender is implicated in institutional design and change, four interlinked elements are important: (a) rules about gender; (b) rules with gendered effects; (c) gendered actors working with rules; and (d) gendered outcomes. This framework has been developed and tested in quantitative research on Police and Crime Commissioners (PCCs) in England and Wales (Gains and Lowndes 2014). That analysis is extended and deepened in this paper through a consideration of the role of *informal institutional rules*. As quantitative research finds it hard to identify and measure informal rules, the paper adopts a mixed methods approach. Using the PCCs case study, the paper seeks to uncover informal rules about gender and other informal rules that have gendered effects, and to analyse how they constrain and/or empower gendered actors, and with what outcomes. Understanding these relationships at a theoretical level is important for informing reform strategies in respect of the gendered operation of public policy institutions. How can informal rules be identified? What ‘work’ do they do in gendering institutions? And can they be subject to intentional design or reform in pursuit of gender justice?

We start by introducing our conceptual framework. We go on to outline our case study and research design. We summarise the findings of our quantitative research, which focused on formal rules. Preliminary analysis of our qualitative data on the role of informal rules is then presented, followed by a forward research agenda.

### How are political institutions gendered? A four-fold analytical framework

Rather than subscribing to a particular “school” of institutionalism, we work with core concepts that reflect points of convergence across institutionalist scholarship (Chappell and Waylen 2013, 604; Lowndes and Roberts 2013, 11). We seek to contribute to key dilemmas, which are common across “institutionalisms,” regarding agency, power, and the dynamics of change. Institutions are the “rules of the game” that are recognized within a political community, shape behaviour in a relatively predictable and stable manner, and are subject to some form of third-party enforcement—whether formal or informal (Lowndes and Roberts 2013, 51). For our purposes, political institutions can be seen as “gender regimes” (Connell 2002), reflecting but also helping to constitute the roles, relations, and identities of women and men in the political arena, whom we define expansively to include voters, campaigners, service users, public servants, or politicians. Although “gendered” is typically used by feminists in a pejorative fashion, reflecting what Amy Mazur (2002, 10) calls “masculine approaches to the affairs of government,” it is actually a relational concept. Theoretically, an institutional arrangement may be gender neutral or gendered in such a way as to privilege either men’s or women’s interests. Our task here is to consider *how* it is that gender is implicated in political institutions. We present below a four-fold framework that identifies key analytical dimensions for research on the gendering of institutions. We argue that it is necessary to look at four sets of variables: rules about gender; rules that have gendered effects (but are not specifically about gender); the gendered actors who work with rules; and gendered policy outcomes.

We consider these in turn below.

## Rules about gender

Institutions express “prescriptions” about what actions are “required, prohibited or permitted,” and the sanctions authorized if rules are not followed (Ostrom 1999, 38). To understand how institutions shape gendered behaviour (and outcomes), we need to focus on what Ostrom calls “rules in use.” These are not the same as “rules in form” but constitute some mix of formal and informal prescriptions. Rules shape behaviour by constraining some actors and empowering others, with respect to the roles they may play, the types of actions they may take, and the type of rewards they may expect. (As such, institutions constitute power settlements, which are inevitably contested.) Analytically, the simplest way in which political institutions are gendered is through the existence of *rules about gender* (i.e., rules that specify and allocate particular roles, actions, or benefits for women and men). An example would be the UK’s Sex Discrimination Act 2002, which permits a political party to select candidates on the basis of a single sex shortlist (Durose and Gains 2007). From a feminist viewpoint, such rules may be “positive” as in the case of gender quotas, affirmative action, or maternity arrangements or “negative” as in the historical exclusion of women from voting or property rights.

## Rules with gendered effects

Here we are concerned with rules that are not specifically about gender but that have *gendered effects*, largely because of their interaction with institutions outside the political domain. Seemingly neutral rules about where and when meetings are held (for instance) may disadvantage those with caring responsibilities, predominantly women; an evening meeting may be hard for women with caring responsibilities to attend to or for women who are fearful of traveling at night. Informal rules about the appropriate age for a specific role may have gendered effects because women are more likely than men to have taken career breaks and may be older than their male counterparts when competing for the same job. Informal rules about what makes a good leader—like their physical presence or capacity for adversarial debate—may disadvantage those women who favour more low-key or collaborative styles as well as those who wish to engage in traditional leadership roles but are deemed unsuitable because of embedded assumptions about how women should behave. More broadly, the institutions of the welfare state have included rules specifically about gender (e.g., different pension entitlements for women and men), but also rules that have wider gendered effects because of their interaction with rules about the sexual division of labour in the home and family (e.g., in relation to childcare). (The relationship is reciprocal, however; changing political institutions can destabilize the gendered nature of institutions in the wider society and economy, whether through changing incentives, providing “nudges,” or expressing new values.) Political institutions are not insulated from the wider institutional environment, and institutional interconnections are an important source of gendered effects. Examining these interactions is crucial to understanding how politics is gendered.

## Gendered actors working with rules

Mapping institutional rules is not sufficient for our purposes. As Colin Crouch (2005, 19) puts it, institutional effects are generated by “real human individuals.” We can add that these are *gendered actors*. Actors occupy male or female (or transsexual) bodies, their values and attitudes

reflect different positions on a masculine/feminine spectrum, and they hold different perspectives on the gender power balance and possibilities for change (in the context of intersectional identities). Institutions matter in political life because of the way in which they shape behaviour (otherwise they remain only “rules in form”), but actors are not institutional automatons. Actors design institutions and also interpret, apply, and adapt rules on a day-to-day basis in the context of changing environments. The sociological concept of “institutional work” (Lawrence, Suddaby, and Leca 2011) seeks to break down any binary distinction between rule makers and rule takers by focusing on the agency involved in institutional creation, maintenance, and disruption (change and/or resistance). But does it matter *who* does this work? One of the insights of new institutionalism (*vis-à-vis* its forebears) is that institutions and actors are mutually constitutive (Hay and Wincott 1998); but theoretically, these actors remain undifferentiated, and the relevance of their specific attributes is under-investigated.

The longstanding interest of feminist political science in “the politics of presence” (Phillips 1995) provides a way in, but research shows no guaranteed relationship between “descriptive representation—the direct placement of women in positions or power—and substantive representation—the incorporation of women-friendly issues into the policy process” (Mazur 2002, 38, 197). Female actors may adopt masculine styles and/or pursue non- or antifeminist goals (the “Thatcher counterfactual”), and there is recognition in the literature that male “critical actors” can act for women (Childs and Krook 2009). For our framework, the key is the interaction between (inevitably) gendered actors and institutional rules. We also recognize that gendered actors may work collectively as well as individually, and across institutional boundaries (within alliances or policy networks) (Annesley and Gains 2010).

### Gendered outcomes of action shaped by rules

Gendered outcomes might be good or bad from a feminist viewpoint, favouring men’s or women’s interests, or rather the balance between them. Indeed, the way in which “women’s interests” are constructed depends heavily upon the political and institutional context (Chappell and Hill 2006) and may not map on to feminist aspirations. Several different, and only partially overlapping, types of outcomes are relevant: policies for which women voters express stronger preferences, policies directed specifically at women voters, and policies advocated by feminists aimed at achieving gender equality (Annesley and Gains 2014, 4). While we cannot assume any particular relationship between gendered institutions and gendered policy outcomes, we can investigate the capacity of institutional design to make gender equity commitments “stick.” Are Htun and Weldon (2010, 212) right to argue that “institutional capacity affects policy no matter who is governing”? We need to consider the extent to which traditional gender norms, embodied in informal rules and institutional legacies, compromise the impact of innovations like gender quotas or women-friendly family policies and the efforts of feminist actors working with these new rules. Asking “whether, how and why nominally feminist policies are feminist in action,” Mazur argues that we need to know more about the link with “the specific design of state institutions” (Mazur 2002, 172, 177). At the same time, pro-women policy outcomes may arise from traditional institutional setups. (How, otherwise, could feminist institutional designs arise?) So, the gendered character of policy outcomes cannot be read off from the design of the institutional apparatus.

We suggest, therefore, that research designs need to distinguish between the four variables in our framework and consider the relationship between gendered outcomes, institutional rules (about gender and with gendered effects), and gendered actors who work with rules. Our framework recognizes the difficulty of tracing causal relationships between gendered processes and the outcomes of institutional design and change; the four dimensions constitute potential points of entry within different research strategies. Because gender can be considered as both a dependent and an independent variable, we argue that research strategies that address questions of causation in a way that recognizes iterative relationships and issues of sequencing are needed. Clarifying these relationships is necessary to build an understanding of complex processes of gendered institutional change; it is also important for those who seek to manipulate institutional design in the direction of gender equality and feminist principles.

We now introduce our case study.

## **Police and Crime Commissioners in England and Wales: An institution in formation**

Police and Crime Commissioners (PCCs) were first elected in November 2012 following the enactment of the Police Reform and Social Responsibility Act 2012. Elections were held in 41 police force areas across England and Wales. The creation of a directly elected public official, overseeing the work of local policing, is not only new, but also unusual, in a UK political landscape which does not have a tradition of presidential or mayoral elections. The introduction of this new office was part of a more general commitment by the incoming Coalition Government for encouraging democratic engagement with local decision making (Green, 2012). PCCs are not able to directly interfere in operational policing decisions; rather, their key role is to set the police and crime priorities for the area they serve. These priorities, published annually in a Police and Crime Plan, must reflect consultation with the public and also take account of the national UK Home Secretary's strategic policing requirements on issues deemed to have national significance or impact. To support the priorities identified in the Police and Crime Plan, PCCs can allocate funds for specific projects and also commission Crime and Disorder Partnerships (which include other elected local actors and the third sector) to provide ancillary services (e.g. research, good practice pilots, public consultations). It is these new PCCs who have executive authority therefore in deciding which policies to prioritise (Lister and Rowe, 2014).

The new role of a Police and Crime Commissioner replaced the previous oversight of local policing by indirectly elected local Police Committees whose (nominated) membership drew from locally elected councillors. Many of the new PCCs had served on Police Committees, and others had worked in police authorities or in the criminal justice system. Police Committees did not have the same agenda setting or resource allocation powers as the new PCCs or the political authority and legitimacy which flows from their separate electoral mandate. The work of the PCCs is subject to scrutiny by newly formed Police and Crime Panels drawn from the same pool of locally elected councillors, plus co-optees from (for example) the community and voluntary sectors, the magistracy and probation service. Membership includes many panellists who previously served on the old police committees.

An examination of the institutional arrangements supporting the work of PCCs is highly relevant for an exploration of how the gendered organisation of political life makes a difference, including the interaction between formal and informal constraints. First, policing is traditionally a very male environment (Westmarland, 2002); the great majority of actors with leadership roles in the police services are men (Tickle, 2012). Indeed, only six of the forty one new PCCs are women. Second, the incidence, experience, reporting of and impact of crime is highly gendered with longstanding gender differences in rates of criminal engagement, victimhood and arrest. Home Office statistics show that, in 2012, '1.2 million women suffered domestic abuse, over 400,000 women were sexually assaulted, 70,000 women were raped and thousands more were stalked' (Home Office, 2013a). Men and boys can and do also suffer gendered violence, but most gendered violence involved male perpetrators and female victims (Home Office 2011: 1). Third, reducing violence against women and girls is one of the policing areas considered to require a national strategy and a nationally coordinated operational response (Home Office, 2012).

PCCs are expected to respond to the national agenda while also having the power to set local priorities and disburse funds to support these priorities, for example by funding alternatives to criminal justice approaches, supporting victims, and demanding action on the level and funding of specialised VAWG officers. The guidance for PCCs from the Home Secretary states: 'VAWG is not a problem that can be resolved with national action alone; it needs concerted, joined-up working at a local level' (Home Office 2013b). All the new PCCs were been prompted to consider how to tackle the gendered problem of violence against women and girls (VAWG) by the national Home Office. By the second year of their establishment top down pressure for action to be taken on violence against women was maintained through the publication of a critical national report by Her Majesty's Inspectorate of Constabulary on police responses to domestic abuse (2014). In short a constant factor throughout the two years of our analysis was top down pressure for implementation of policies to address VAWG adopted at national level. As well as this 'top down' pressure, all PCC candidates were lobbied extensively in their localities by the Women's Aid Federation of England on behalf of a national network of domestic and sexual violence services (Women's Aid, 2012).

However, examining how PCCs have responded to the problem of violence against women and girls presents an empirical and analytical puzzle. Our initial analysis of the policy priorities of the PCCs taken from their websites and manifesto statements at the time of their election shows that, despite pressure to address the problem of VAWG both from the National Home Secretary and from local campaigners, only 6 of the 41 Commissioners mention violence against women and girls and only 6 mention domestic violence as one of their priorities (Association of Police and Crime Commissioners, 2012a).

## Research design: A mixed methods approach

Applying our four-fold conceptual framework we have sought to unpick this puzzle, taking the prioritisation (or not) of VAWG as a 'gendered policy outcome'. Coding data from PCCs' manifestos and annual reports, we undertook a first stage of quantitative research. In terms of *rules about gender*, we looked at whether PCCs had a minimal or expansive interpretation of their equality duty (a legislative requirement of all public bodies). We found that, while all PCCs have formally to fulfil their equality duty, it was the PCCs with a strong interpretation of these duties

who appeared more likely to prioritize VAWG in their police and crime plan. But we found that the existence of “rules about gender” was not, in itself, sufficient to prioritise action on tackle this gendered crime. We considered *rules with gendered effects* through an examination of the role of party membership, finding that the traditional party candidates were more likely to prioritize VAWG than independent candidates. Finally, in terms of *gendered actors working with rules*, we found that female PCCs who have the policy resources, authority, and agency to establish policing priorities were more likely to give priority to VAWG in their police and crime plan than male PCCs. (Full findings are reported in Gains and Lowndes 2014.)

Because quantitative research finds it hard to identify and measure informal rules, we adopted a mixed methods approach. Using our quantitative data, we sampled PCCs in relation to the following variables: whether the PCC themselves was male or female; whether they were a political party candidate or independent; whether their institutional arrangements had a strong gender equality focus; and whether they prioritised VAWG as a policy outcome (see Figure 1 below).

**Figure 1: Case study selection**

Unit of analysis	Party/non-party	Gender of PCC	Strong/weak gender equality focus	VAWG priority or not
A	Labour	Male	Strong	Priority
B	Labour	Female	Weak	Not priority
C	Conservative	Female	Weak	Not priority
D	Conservative	Male	Weak	Not priority
E	Independent	Male	Weak	Not priority

Our sampling was limited due to the small number of female PCCs (just 6 of 41), which reduced the opportunity to select among female PCCs according to the other variables, and also led to access difficulties (the possibility of substituting new units of analysis where refusals were received from initial choices). Indeed, we only received two negative responses from PCCs we approached, but these were both from women (one Labour and one Independent), each of whom had made VAWG a policy priority and had a strong gender focus in their institutional arrangements. Similarly, our quantitative work showed that only 6 of the 41 PCCs made VAWG one of their stated priorities, so again it was difficult to include many of these cases in our sample. So this is not a structured or representative sample of PCCs, but rather a set of examples that showed some level of variation, or at least contrast, in relation to the variables we had used in the quantitative work. These examples can, however, be seen as in many ways typical of the experience of English PCCs, given that the vast majority are male, Labour or Conservative, and have not prioritised gender equality or VAWG policies.

The sampled PCCs are units of analysis within what Yin (2009) calls an ‘embedded case study’, in which sub-units are investigated in order to add depth to the original case study (Police and



Crime Commissioners, in our study). Embedded case studies also provide an opportunity to integrate quantitative and qualitative methods within a single research design. Qualitative research in five contrasting sub-units allowed us to investigate in a detailed and contextualised manner findings arising from quantitative research covering all 41 PCCs in England, with a particular focus on the role of informal rules. Data was collected via 19 interviews, which included PCCs themselves, Deputies and equalities advisers (where they existed), Chief Executives (who also play the legal role of ‘monitoring officer’), Chairs of Police and Crime Panels (which scrutinise the PCC), and Chief Constables (heads of operational policing). Documents and press reports were also analysed. Interviews were transcribed and anonymised, and analysed in relation to the conceptual framework used in the quantitative research. (In the analysis that follows, the interviews are analysed in an aggregate fashion; a systematic comparison of the different sub-units will follow in the next phase of work.)

Due to the sampling limitations, the qualitative findings cannot be considered representative or generalizable to any population (or sub-population) of PCCs; but, in the manner explained by Yin (2009), they do allow us to make some analytical generalisations regarding the way in which informal institutional rules might be understood, within our case study of gendered political institutions, or in further research.

## Research findings: the role of informal institutions

### Informal rules about gender

#### Reporting on VAWG:

Although our sample included a majority of PCCs who had not prioritised VAWG in their manifestos and Police and Crime Plans, all the PCCs expressed a commitment to such a priority when we interviewed them. This could simply be an interview effect, or might relate to the *ad hoc* processes whereby both manifestos and Plans had been put together (according to PCC themselves). PCCs and their staff mentioned ways in which they were expressing their VAWG commitments, including appointing a Deputy with VAWG experience in one case, and a diversity manager in another (the PCCs were both party political, but from different parties). One PCC was supporting the development of special webpages covering equality and diversity.

PCCs also reported that they wanted swift and detailed access to VAWG-related crime reporting. As in other areas, this access was dependent upon the Chief Constable and their staff providing information. PCCs had sought to institutionalise VAWG reporting; interestingly, the PCC who had gone for an informal personal briefing was more content with that outcome than the PCC who was relying on formal statistics and structures. The capacity to informalise reporting was seen as an advantage of the PCC set-up, in which an individual elected leader had the authority to challenge traditional institutional arrangements in which ‘the police view was instilled’. An equalities officer noted that the PCC for whom she worked had gone as far as to challenge the categories used in police reports: ‘He wants the [Police] force to prioritise according to the vulnerability of the victim, not according to offence type’. There was an implicit recognition that

seemingly neutral procedures carried values that the PCC could seek to challenge. Another staff member said of their PCC:

‘He doesn’t do targets – he’s very victim focused... He goes and speaks to the various victims from a whole range of backgrounds and a whole range of crimes against them. From relatively minor petty burglar-type stuff all the way through to the high-end, high-risk, high impact sexual assaults..’

When asked to compare the PCC arrangements with the previous Police Authority, all our respondents reported a concerted attempt to reduce bureaucracy. This took two forms: streamlining formal processes to reduce the number, frequency and length of meetings, and replacing formal with informal arrangements. Both responses sought to ease the speed and responsiveness of decision-making. In relation to VAWG, ‘exception reporting’ meant that changes in the incidence of particular crimes could be drawn attention to and acted upon swiftly (rather than risk being hidden in standard comprehensive reporting schedules). As an equalities officer explained:

‘The PCC had heard through a meeting with the CPS [Crown Prosecution Service] that hate crime reporting was down. Obviously he wanted to know from me what the view was within the community... he can then go to the Chief [Chief Constable] and say, “Why isn’t this in place?” or whatever. So, in that sense, it’s really positive because we’ve got like an extra layer of somebody that’s influential and kind of get things moving’

Interpreting statistics was seen as important as the direction of change itself. A reduction in reporting might need investigating; just as an increase might be cause for concern. For VAWG, PCCs commented that crime statistics had risen, but this was seen as indicating the success of campaigns to raise awareness and improve reporting. An informal rule was emerging in which the PCC identified matters of concern and provided an ‘interpretive filter’ in respect of statistical reports, holding the Chief Constable to account and committing to action on behalf of victims and the wider community. This was in contrast to what was described as a ‘mind boggling’ bureaucratic chain of reporting and decision-making under the previous Police Authority.

More critical of the new conventions, several interviewees expressed concern that their PCCs had ‘gone too far’, paying insufficient attention to police performance and crime statistics, as they ‘chucked out’ the old Police Authority processes. Chief Executives saw it as their role to establish a ‘middle way’ between traditional standardised bureaucratic ways of working and new approaches that were more informal and personalised, responsive to public concern but possibly over-reactive.

## Specialist VAWG services:

PCCs commented on the quality of formally constituted VAWG services in their areas, but noted that these were centrally located, employing specialist staff, and were not always available ‘on your average Saturday night’. They commented that, in local police stations, rules for dealing with VAWG incidents were less institutionalised and the quality of response could be patchy. One PCC argued that the best way to address this was to avoid formalisation and build informal norms of engagement:

‘Women’s Aid walk into police stations now, with victims. This gives the police confidence. It’s a different approach from watching training videos which scare the shit out of officers, which are all about ticking boxes and not getting it wrong.’

But, at the same time, several PCCs explained that they had made a priority of establishing formally constituted ‘places of safety’ or sexual assault referral centres for victims and those at risk of domestic and sexual violence. The key to securing long overdue promises from agencies, notably the National Health Service (NHS), appeared to be personal lobbying of central government actors by the PCC (which was particularly effective in the case of PCCs which had either party connections or had held previous Ministerial office themselves). The emerging informal rule was that the PCC could circumvent formal processes to ‘knock heads together’, and that this is extended ‘upwards’ beyond the locality in a manner not previously associated with the local government dominated Police Authority. This was deemed to be legitimate because of their electoral mandate and community links, especially through community and victims’ associations. Indeed, PCCs, their staff and Chief Constables all identified a convention that could be called ‘any means necessary’, through which PCCs pursued issues through non formal, and often ad hoc, processes. In relation to VAWG, one PCC had contacted all the Directors of Children’s Services in their locality to ask them about their knowledge of and response to child sexual exploitation (revealed to be a major, and unaddressed, issue affecting girls in a neighbouring area).

Several PCCs made an explicit link between combatting VAWG and promoting gender equality programmes within their respective police forces. This included recruiting and promoting more women police officers, but also thinking about those who worked for the police (and partner agencies in health and local government) as themselves potential victims and perpetrators of domestic and sexual violence. Examples included promoting the ‘white ribbon campaign’ in the workplace (for men to show their awareness of and opposition to such crimes), and sponsoring development courses for women employees to build confidence and self-esteem. While it was not possible to monitor formally the success of such initiatives in relation to VAWG outcomes, there appeared to be a new ‘logic of appropriateness’ (in institutionalist terms) that linked gender equality in the workplace (and wider society) with the fight against VAWG. Such a logic challenges the traditional view of VAWG as exceptional, and outside ‘normal’ society. Although the new institution of the PCC is not responsible for this shift, some PCCs had taken responsibility for championing workplace gender equality initiatives, and for raising VAWG issues in their

regular meetings with non-VAWG specific community groups. Indeed, in relation to both VAWG and gender equality within the police, several Chief Constables argued that the role of the PCC had been to ‘champion’ and make more visible work that was already underway. They saw this as giving public legitimacy to ongoing campaigns.

## Informal rules with gendered effects

### Austerity:

The large scale and year-on-year nature of spending cuts gives austerity the status of an institution with both formal and informal elements, effectively regularising expectations and constraining PCCs’ policy options. One PCC remarked that the entrenched nature of austerity reduced the scope for innovation in a general sense, although another argued that, in the absence of resources, he had ‘to get into the organisation [the police force] and focus on changing things’. Another PCC noted the gendered effects from cuts in funding to Women’s Aid and other women’s organisations that he was encouraging to help establish new ways of working on VAWG in local police stations. A PCC noted that he had overseen the recruitment of more police officers when he was elected in 2012, but had since had to cut numbers given radical budget cuts, and that this was curbing innovation across the board, including in relation to VAWG.

### Partnership:

Driven in part by the need to save money and in part through a search for new institutional models, both PCCs highlighted inter-agency collaboration as a priority. Benefits included a more integrated service and an increased focus on crime prevention. As one PCC put it: ‘Getting the county council and city council to work closer together, especially as the money gets tighter – this is important for domestic violence policy’. Providing an effective service for victims of VAWG, or those at risk, entailed challenging traditional institutional boundaries between housing, childcare, welfare benefits, mental health, drug and alcohol services, and the police themselves. Both PCCs were developing formal partnership models - like multidisciplinary teams co-located in the same community-based building. Practically, this offered the public a ‘single portal’ for accessing services, but more significantly the service itself could be integrated across traditionally separate professions. Neither PCC saw formal rules in themselves as guaranteeing effective collaboration, and both were active in supporting informal institutional arrangements. As one PCC put it, ‘partnership working has got to be a mantra for policy’, thus highlighting the symbolic or normative aspect of institution building. The rules of collaborative working should ensure a ‘supportive human intervention’. One PCC was suspicious that some high-level partnerships were no more than ‘an arm of the city council’; he was trying to establish informal local-level arenas to complement or challenge these. Describing one initiative as ‘a bit of a jamboree’, the PCC explained that the benefit of informality was ‘to get people talking’ and build relationships that could be mobilised ‘when things go wrong’ (in the sense of serious, multi-faceted crime incidents, mentioning particularly VAWG and child safeguarding). In addition to consultative partnerships, PCCs were particularly involved in commissioning community and third sector organisations to deliver services to victims, including in relation to VAWG.

### Challenging traditional police institutions:

Linked to the partnership agenda, PCCs saw part of their role as challenging traditional police institutions – a seemingly neutral move that had gendered effects. The challenge included recognising the limitations of police skills in an area like VAWG: ‘Domestic violence should be a priority but in tackling it you’ve got to go beyond policy’. PCCs recognised that their approaches took on the entrenched informal rules of traditional policing, which they variously referred to as characterised by ‘shibboleths’, ‘myths’, ‘mental models’ and ‘fictionalised accounts’. They were in no doubt as to the power of such informal elements to shape behaviour and expectations – of the police themselves, but also citizens (as criminals, victims and community members) and other stakeholders. PCCs noted the fierce reactions to measures to, for instance, close police stations, reduce the number of ‘warranted’ police officers vis a vis community safety officers, engage volunteers and community groups in police-related work, and allow police officers to be managed by other public servants in integrated service centres. But they also noted positive gendered effects of such institutional changes in the sense of delivering a better response to VAWG – an area of policing poorly suited to traditional command-and-control institutional arrangements that were also highly masculinised in terms of staffing and style. No fewer than three different PCCs mentioned the prevalence or legacy of military culture in the police. One interviewee characterised traditional police leadership in this way: ‘Just get on with it. I’ve told you what to do. Get on with it and let me know when you’ve finished’. Another PCC commented that, ‘British police has got this macho thing. It’s about never admitting that you’re wrong’. ‘Softening up’ this culture was seen as a priority. Across the system as a whole, however, embedding new rules could be hampered by the fact that 25% of PCCs are themselves former police or military officers and could be more resistant to what one PCC referred to as ‘cultural change’ within the police.

### Direct election:

As has already been noted, PCCs felt strongly about the accountability provided for by the institution of their direct election. However, seemingly gender-neutral rules surrounding direct election were seen as having gendered effects. VAWG could prove less “attractive” (than competing manifesto commitments) to potential voters because of informal rules related to wider gender norms regarding “law and order” priorities. As a Deputy PCC explained, “Domestic violence is not a vote winner. People don’t understand it, they don’t want to engage with it, and it’s not visible.” A nonelected officer might be less likely to be influenced by such informal rules. At the same time, direct election had undoubtedly served to put VAWG “champions” into office and in control of significant budgets in a number of localities. PCCs felt they could secure police accountability in a very direct way, given their electoral mandate. As one put it: ‘I am the customers’ representative. I’m the person who stands back and says, “Actually I don’t think that’s good enough, Chief Constable. What are you going to do about it?”’.

Our interviewees confirmed the importance of party platforms, in so far as they increased their capacity, knowledge base and networking ability. But they all argued that the PCC role was ‘above party politics’, and their duty was to ‘serve every resident of this area equally and fairly’.

Indeed, more than one PCC indicated that ‘putting the party rosette back on’ (in order to content the forthcoming election) felt awkward – at odds with the expectations and conventions that had been established for PCCs. Over and above party commitments, however, PCCs stressed the importance of personal commitments in relation to VAWG, and wider informal institutional links to social movements and civil society projects. They revealed anxiety, however, as to the sustainability of policy change, should PCC champions fail to be re-elected, pointing to the importance of institutional change (formal and informal) to secure their “legacy.”

### Community relationships:

All PCCs saw this as a strength of the new institutional set-up, and as playing to their skills (and passions) as elected politicians. However, the extent of community expectations had still surprised them. As one put it: ‘I didn’t realise it would be such hard work – 150 evening meetings in the first year...’ Although many PCCs spent a lot of time visiting traditional community groups (like Rotary) and parish councils, some had established a new convention of targeting specifically those groups that mistrusted the police. Establishing norms of community engagement was seen as having gendered effects, in the context of engagement providing a new framework for accessing the views of marginalised groups.

‘BME communities [black and minority ethnic] is an area that I can do something on... I aim to build consensus, to provide an opportunity for the community, even if they don't trust me, and they certainly don't trust the police!... It's the same with the women's agenda. It's slow and painful, nudge, nudge. It's not big amazing changes, but there are some changes.’

One PCC explained that he sought to establish ‘a social negotiation process – a structured conversation’, thus pinpointing the role of informal institutions in community engagement. One PCC’s enthusiasm for being ‘on the road’ had led him to question the efficacy of so-called (formal) ‘public meetings’, such as that required between the PCC and the Chief: ‘We have to do it once a month in public, but it's crap. We have been trying out different ideas for invigorating the meeting and getting the public interested’ (including taking the meeting out to urban housing estates and rural areas). For other PCCs, the lack of public attendance at formal meetings had led them to prioritise ‘surgeries’ at their office where individuals could come and raise issues or ask questions, and also taking a table and a few posters out to shopping centres to publicise their work and actively solicit opinion from those members of the public who would not normally attend meetings. One PCC described this as a way of regularly conducting a ‘mini-poll’, but an equalities adviser noted that it was necessary to ensure diversity in the types of locations that PCCs visited, in order to achieve a true ‘cross-section’.

## Media:

All PCCs had established expectations around a significant presence in the local news and broadcast media, but a Deputy PCC had encountered the gendered effects of the more informal and less institutionalised arena of social media:

‘I got my fingers burnt early on with social media – something I said on sex shops. Now I don’t read Twitter messages. I did it a bit, but I have decided to have a break. People think you’re fair game if you’re a woman, especially if you’re talking about the things I am’.

Another Deputy argued that he would not himself stand as a PCC, given the ‘goldfish bowl’ that Commissioners lived in, and its effects on family relationships. There was a gendered implication that PCCs needed to be ‘tough’ to withstand the demands and criticism they received in both conventional and new social media. Most PCCs commented, unprompted, on how many media appearances (local TV, radio and newspapers) they secured each week or month, clearly seeing this as an indicator of their visibility and responsiveness to the public.

## Police and Crime Panels (PCPs):

Because PCCs are directly elected, in theory they had an incentive to keep in touch with community concerns. However, quite independently, two PCCs remarked that they felt like ‘Stalin’ given the extent of their powers. They felt that community engagement was becoming established as an important informal institution for ongoing accountability, but that PCPs – as the formal institutional arrangement – were quite inadequate due to their limited powers. The weakness of PCPs had a gendered slant given the abandonment of the diversity rule in place with the police committees that predated the new PCCs. One of the PCCs felt that an informal rule had replaced the formal one, amounting to an expectation or convention that diversity should be achieved through the discretionary process of co-optation of ‘lay members’ (including from the community sector and the magistrates’ court), even where the councillors (who form the majority of the membership) were not diverse. Indeed, we found that where PCPs had female members, they were nearly always co-optees. The repeated description of panel membership was: ‘Predominantly male, all white’. However, one PCC argued that, because of his visibility to the community (and ongoing informal relationships), having a diversity rule – formal or informal – was less significant: ‘You can have 10 wise people, ethnically matched and gender balanced, but I am publicly exposed to accountability.’

A Chief Executive described the Panel he worked with as ‘a waste of time’, noting that they just unanimously voted through the PCC’s proposals. Accepting the need for checks and balances, to control a potential ‘rogue’ Commissioner, he argued that Panels needed to be given ‘some real power or some real job’. Of the present situation, he said:

‘What’s the point? I don’t see the value. We’ll spend two hours there; we’ll give them a cuddle and we’ll walk away. It doesn’t achieve anything’

PCCs were introduced primarily to increase accountability in the governance of local policing, and it appears that the strongest institutions underpinning accountability are actually informal rather than formal.

### Gendered actors working with informal rules

Our quantitative research found that female PCCs were more likely than men to make VAWG a formal policy priority. In our qualitative work, we found male PCCs with a specific personal commitment to VAWG; one reported that he had been involved in setting up the first women’s refuge in his city some 40 years ago. He provides a good example of the kind of male ‘critical actor’, with ‘non-masculine’ priorities (as referred to in our conceptual framework). Indeed, this PCC had (controversially) appointed a woman Deputy PCC with a much more recent and intensive engagement with the women’s movement, thus developing a gendered ‘policy capacity’ in favour of institutionalising VAWG as a policing priority. The Deputy herself noted what she brought to the role in terms of both knowledge and style: ‘I know detail, or at least I used to... I’ve got a different style. I chip away at things, I think that works best.’

Interestingly, she linked these attributes to her opportunity to work through the institution of the PCC, which she described as ‘opening doors’. She said she was able to gain access to different, and often more powerful, people because of her institutional role, which had formal aspects (including budgets) but also informal dimensions: ‘I’m saying the same things, but it helps when you’ve got money. It helps when you’ve got clout, and can influence.’ But the Deputy also expressed frustration with the gendered nature of her identity as an institutional actor: ‘People see me as domestic violence. They always ask me about that. They don’t think that I am interested in other things.’

An equality adviser identified the importance of having a critical mass of female actors in order to effect change, commenting also that no single woman leader could be expected to act alone:

‘They have a Chief [Constable] who’s female, and then a lot of us pointed out that the entire next layer down probably has one or two that are female. We said, you know, it’s not enough just to have a Chief who’s female... If you haven’t got that gender mix throughout the whole force and they’re aware of the issue, then I’m not convinced that things are going to change. And obviously it’s not up to her for it to change, necessarily... She doesn’t have to be a figurehead for gender equality.’

Another respondent from the same locality, argued that the female Chief Constable had brought change to police culture, primarily through a more team-based approach, but argued that ‘it’s just a bit more of a modern approach rather than a gender approach’.



One of the female PCCs we interviewed was confident that her gender made a difference to how she was perceived by some members of the public and by her political opponents, describing this as an ever-present ‘sub-text’. This had manifested itself in exchanges characterised by general condescension, attempts to portray her as ‘weak and ineffectual’, and as having a sexual interest in colleagues, and even neglecting her family responsibilities. All those we interviewed commented on the variety among PCCs, in their styles, ways of working and personal priorities. This was linked, repeatedly, to personality and prior experience. But gender emerged, either explicitly or implicitly, as a lens through which such matters were evaluated.

## Conclusion

Presenting preliminary analysis of our qualitative research, this paper has established the significance of informal rules in understanding the gendered character of the new institution of Police and Crime Commissioners in England. Such informal rules may be directly about gender (as in new forms of reporting on VAWG, or new workplace equality initiatives), or they may have gendered effects despite being apparently gender neutral (e.g. relating to direct election or media engagement). It is clear also that actors’ own gender can play a role in how they encounter, and seek to change, the institutions through which they work. The analysis in this paper is based on the whole data set; further work will compare the role of informal rules in our different units of analysis, which were selected in relation to the key variables that emerged in our quantitative investigation. This will allow us to better understand the relationship between formal and informal rules in gendering institutions, and to map these different rule configurations on to what we know about gendered outcomes in these four units. We aim to show how the four elements of our conceptual framework can be used to illuminate the gendered character of institutional change, and to establish related lessons for more gender-just institutional change. Rather than simply acknowledging the importance of informal rules, the challenge is to consider how institutional reformers can harness the power of the informal. Can we design-in and/or nurture informal conventions that serve the purposes of gender equality, or are these forms of ‘organic matter’ that are emergent and not susceptible to intention reform efforts? Given that we know informal rules can both support and undermine formal attempts at gender equality reforms, there is an imperative to better understand the role they play and how they might be influenced in a positive fashion.

Analytically, the research findings also raise some interesting questions regarding the distinction between formal and informal institutional rules:

- How do formal and informal elements work together within the same institutional arrangement? It may be the specific mix of formal and informal rules that is most important in understanding how gender institutions are gendered. Having separated out formal and informal rules, it may be important to consider how they combine to produce institutional stability over time, or how gaps between them could contribute to institutional instability – and opportunities for change.

- What follows from labelling an institution formal or informal? There may be a danger in prioritising description over explanation. Do these labels tell us anything about how formal and informal rules respectively shape behaviour in gendered ways, or how such constraints can be resisted, or remodelled? It may be interesting to investigate whether informal inter-agency collaborations, for instance, constrained behaviour in different ways from formal partnerships (e.g. do they make more use of norms and less of incentives?).
- Are ‘formal’ and ‘informal’ actually points at either end of a continuum rather than opposites? Any sort of binary distinction may obscure other points on the continuum. It is clear from the case study that ‘informal rules’ cover a range of phenomena, from the symbolic to the practical. Following from the previous question, the real prize might be in distinguishing between different *modes of institutional constraint* (i.e. with different causal mechanisms) which may also exhibit different degrees of formality – as in the manner of Lowndes and Roberts’ (2013) formal rules, informal practices and semi-formal narratives. Such an approach could lead to a more nuanced approach to understanding how non-formal elements of institutional life have gendered effects, and can be incorporated in design strategies in pursuit of gender justice.
- Are formal rules ‘better than’ informal rules? In feminist institutionalist scholarship there is a particular interest in studying the fate of formal rules established to promote gender equality (e.g. equalities legislation, quotas, women’s policy agencies), which are often found to be undermined by traditional informal rules. In our case study, it is striking that informal rules were often seen as a more effective route to securing gains for women. Even in the area of accountability, where informality is typically seen as damaging, formal institutional constraints were seen as less robust. The case study revealed attempts to intentionally design-in informal alternatives (rather than assuming these can only develop organically), or to sponsor strategic processes of ‘informalisation’. This is in contrast to the recent recommendations of the Committee for Standards in Public Life (2015) in favour of new formal rules – including codes of conduct, memoranda of understanding, ethics committees and additional annual plans - to plug the accountability gap (although the CPSL does also make reference to the potential significance of the informal conventions embedded in the so-called ‘Peelian principles’ around policing by consent, which date from 1829).

In summary, our qualitative research has established that the four-fold conceptual framework can be used to inform work on informal institutions as well as formal ones. The research uncovers informal rules related specifically to the delivery of VAWG policies, while also yielding new insights regarding the role of apparently neutral institutions – like partnership and accountability – in gendering political life. It is also clear that these informal rules may be interpreted in different ways by gendered political actors. As well as helping to uncover what Chappell and Waylen (2013) have called the ‘secret life of institutions’, the research also identifies informalisation as a specific design strategy. Finally, our research has raised a series of conceptual and methodological questions that could inform the wider research agenda on the role of informal institutions in gendering political life.

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