



PSiRA
Private Security Industry Regulatory Authority

TRAINING STANDARDS

IN THE SOUTH AFRICAN
PRIVATE SECURITY INDUSTRY

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Acronyms

BEE	Black Economic Empowerment
CBD	Central Business District
CIT	Cash In Transit
COSATU	Congress of South African
CPT	Continuous Professional Development
DHET	Department of Higher Education and Training
DQP	Development Quality Partner
ETQA	Education and Training Quality Assurance
MoU	Memorandum of Understanding
NKP	National Key Point
NQF	National Qualifications Authority
NSDS	National Skills Development Strategy
PFTC	Professional Firearm Training Council
POLSEC	Police, Private Security, Legal, Correctional Services and Justice
PSC	Private Security Company
PSiRA	Private Security Industry Regulatory Authority
QC	Quality Council
QCTO	Quality Council for Trade and Occupation
SANDF	South African National Defence Force
SAPS	South African Police Service
SAQA	South African Qualifications Authority
SASSETA	Safety and Security Sector Education and Training Authority
SETA	Sector Education Training Authority
SGBs	Standard Generating Bodies
SOB	Security Officers Board

1. Introduction

In South Africa, the private security industry comprises of services provided and regulated in line with the Private Security Industry Regulation Act 56 of 2001 (the Act). The Private Security Industry Regulatory Authority (PSiRA) was established in terms of section 2 of the Act. The primary objectives of PSiRA are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself.¹

Section 1 of the PSIR Act defines security services to include but not limited to; protection and safeguarding and reactive response for the purposes of safeguarding persons and property in any manner. In addition to playing a central role in the regulation of the private security industry in South Africa, PSiRA is further mandated to determine and enforce minimum standards of occupational conduct, and determine and promote efficiency in and responsibility with regard to the rendering of security services.² Hence section 3 (j) of the Act provides that the Authority is mandated to “promote high standards in the training of security service providers and prospective security service providers.”

In the early 1970s, in order for the apartheid government to focus on political objectives, official policy shifted to allow security priorities to be delegated to private security actors.³ This was a relevant development and had direct implications on the growth and evolution of the private security industry. As a result of the democratic transition in 1994, the Constitution made provisions to ensure that any other armed services that were not under the direct control of the state ‘must be established, structured and regulated in terms of national legislation.’⁴ To this end, the Private Security Industry Regulation Act 56 of 2001 was promulgated, to regulate and maintain a trustworthy and legitimate private security industry. State-sanctioned security services for the Republic constitute a single defense force, a single police service and an intelligence service.⁵

The exponential growth of the private security industry gives impetus for an analysis of the South African private security industry. For example, responding to burglar or intruder alarms situated in private homes, business premises and factories was, strictly speaking, part of the police’s crime combating and prevention functions, but due to resource constraints is no longer performed by the South African Police Service (SAPS).⁶ In response, private security operators have exploited the gap in the provision of alarm-response

1 Section 3, Private Security Industry Regulation Act No 56 of 2001.

2 Section 3(f) & (g) of Private Security Industry Regulation Act No 56 of 2001.

3 White Paper on Safety and Security, ‘In Service of Safety,’ 1999-2004, September 1998, Department of Safety and Security (The name Ministry for Safety and Security was changed to Ministry of Police); Berg & Gabi, 2011:3.

4 (Constitution of South Africa, Act No. 108 of 1996, Chapter 11, Section 199(1), (2), (3), (4), (5).

5 Ibid.

6 Minnaar, A. & Mistry, D. in Schönteich, M. et al, ‘Private Muscle: Outsourcing the Provision of Criminal Justice Services,’ Institute for Security Studies (ISS) Monographs, Issue 93, Pretoria, South Africa (2004), p.50.

services which have become privatised, with the private sector selling alarm-response services to customers who have the means to pay for them.⁷

In South Africa, security provision and the criminality it seeks to counter, continues to be a reflection of the kind of society we live in. It can be argued that a considerable number of the challenges facing South Africa as a developing country are derived from the high levels of crime, the high levels of fear of crime and the limited role the South African Police Service (SAPS) can play in crime prevention. Community involvement in crime prevention measures is interpreted as an inevitable need; evidently this means taking responsibility for one's safety through services from the private security industry.

It must be emphasised that adequate training for incumbent and prospective private security actors is crucial. This explicitly includes the training, integrity and accountability of those responsible for imparting the said training. Amongst other things, the envisioned research seeks to examine how this sector is managed, to what extent persons responsible for training in the private security industry adhere to the Act and other complementary legislation. An assessment of the pragmatic capability of PSiRA in promoting and enforcing compliance and thus its ability to regulate and ensure accountability of the training sector is paramount. The rapid growth and professionalism of the private security industry prompts the need to uncover to what extent professionalism of training permeates the private security industry.

The aim of the research findings presented here is to identify gaps in knowledge about the training aspect of the private security industry. Tracing the underlying truths of the training undertaken by members of the private security industry will ultimately lead to an enhanced approach for PSiRA with regard to the promotion of high standards in the training of security service providers and prospective security service providers. The aim of the research is to uncover the undercurrent that informs various factors associated with training for the private security industry.

7 Ibid.

2. Methodology

Training standards comprise a central element of the private security industry through their ability to determine the professionalism, or lack thereof, of security service personnel; based on appropriate standards. In order to ensure a private security industry that is well trained and can contribute to safety and security in South Africa, principles such as integrity and accountability of the training sector should be seen as a priority. For that reason, persons engaged in security provision must be adequately trained. This is a key requirement in order to deter crime and contribute to a safer environment for economic development. Ensuring better standards of training and better trained recruits is critical, owing to the increased role that the private security industry plays in providing security for South African citizens.

Hence, the hypothesis for this research posits that compliance with the law within the private security industry can only be achieved through the promotion of high standards in the training of security providers and prospective security providers in South Africa. Flowing from this hypothesis, the main research question for this research report is to ascertain the key measures needed to foster greater compliance in relation to the training of members of the private security industry.

Both primary and secondary sources were used to make inferences in this report. Initial attempts were made to conduct a literature review to collate information on the trends and characteristics of the training environment for private security actors. This focused primarily on local perspectives. It is noted that early scholarly attention dedicated to understanding the South African private security industry provided an inadequate focus on the training aspect, and rather offered a generalised account of training, if at all, based on the predilection of different scholars. Scant analysis exists on the dynamics and idiosyncrasies that exist within the training environment of the South African private security industry.

Berg, in a 2007 article titled 'The Accountability of South Africa's Private Security Industry: Mechanisms of control and challenges to effective oversight', comments on the importance of training for the industry. However, no in-depth analysis of the dynamics that pertain to the training aspect of the private security industry is presented. Nonetheless, she does underscore that training of security guards has been a contentious issue in South Africa and highlights the impact that low training and recruitment standards have had on the professionalism of the industry. It is further noted that the progression of the private security industry, including training, was informed by the apartheid government's acceptance of the industry as adjunct to the police and the subsequent efforts to professionalise the industry through different legislation.

Berg notes that training plays a crucial role in ensuring that security officers do not violate the human rights of members of the public, the former of whom she describes as being at the frontline of contact with the public. The central role of training is linked with the multiple levels of accountability in the industry, advocating that this should rather be integrated to form one governance model.

Field research was conducted between September 2015 and March 2016 in Johannesburg, Pretoria and Cape Town. This entailed face-to-face engagements in order to elicit opinions, perceptions and suggestions about the strengths and weaknesses of the training environment of the private security industry. Various research methods were used to collect information, including focus groups and individual interviews. Respondents were not obligated to answer any questions, but were, however, encouraged to make suggestions not included in the questionnaire. The questionnaire ranged between eleven and seventeen questions for members of the training sector of the private security industry, relevant stakeholders and the executive member of PSiRA responsible for the stewardship of the training environment in the industry. Respondents were required to sign a consent form in order to have their names and names of their companies included in this report, or alternatively remain as anonymous contributors to this report. Most respondents elected to remain anonymous, with the exception of those whose names will appear later in this report.

Ultimately, the research objective is to underpin the reasons for non-compliance to the Act and to determine how this sector and the general regulation of the industry can be tackled to foster greater compliance. The main purpose of the proposed research is to develop a fuller understanding of this sector in order to respond to the industry's needs and challenges. Furthermore, it is hoped that the process of tracing the underlying strengths and weaknesses of training in the private security industry will engender a robust debate amongst relevant stakeholders.

3. Background

3.1. LEGISLATIVE SCOPE

PSiRA is mandated to regulate the private security industry in South Africa and as such offers the following services: registration of security officers; deregistration of security businesses; issuing and reissuing letters of good standing; re-issuing of registration certificates; re-issuing of PSiRA identity cards and the processing of training course reports.⁸ There is a tariff structure for administration of services rendered, and annual fees charged to security businesses and officers are determined in accordance with the enabling legislation.⁹ Such fees are charged to and collected from those who are in active employment and providing security services to consumers.¹⁰

The Training Security Officers Regulations of 1992 govern the training for prospective entrants of the private security industry and it is safe to assume that most if not all security service providers have undergone the same training as per the prescriptions above. The Regulations that are still used today were an off-shoot of the Security Officers Board (SOB) and its legislative derivation, the Security Officers Act 92 of 1987. The SOB was established to regulate the private security industry.

However, the SOB ceased to exist due to the fact that the Board created a gap in regulation and exhibited partial representation. This was as a result of the exemption of in-house security service providers; private investigation and intelligence gathering; advising on and monitoring signals from electronic security equipment; and the activities of 'bouncers' and those involved in 'car watch' activities.¹¹ The latter were later to be included in the subsequent SOB Interim Board as part of enhancing the regulatory scope.¹²

In 2001, the Private Security Industry Regulation Act 56 of 2001 was promulgated. The Private Security Industry Regulatory Authority (PSiRA) was established in terms of section 2 of the Act. The primary objectives of PSiRA are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself.¹³

Significant differences within the PSIR Act were that the new legislation sought to regulate the burgeoning private security industry, including the substantial in-house security service providers. It is worth noting that the legislation governing training, that is, the Training Security Officers Regulations of 1992, was

8 PSiRA Annual Report 2014/2015, p.110.

9 Ibid.

10 Ibid.

11 Schönsteich, . 'Guarding the guardians: New regulations for the Private Security Industry,' Published in Nedbank ISS Crime Index, Volume 4 2000, Number 3, May - June. Available at <https://www.issafrica.org/pubs/CRIMEINDEX/00VOL4NO3/Gaurding.html> (accessed 11 March 2016).

12 Ibid.

13 Section 3, Private Security Industry Regulation Act No 56 of 2001.

never amended to adapt to the new Act, nor has it ever been reviewed or amended to adjust training expectations for the dynamic private security industry in South Africa.

Notably, the Security Officers Amendment Act of 1997 replaced the board with the Security Officers Interim Board, with the aim of maintaining the regulatory role of the SOB. However, Schönteich, in a 2000 article, states that the interim board was intended to determine the future of private security regulation in the country,¹⁴ which was to include the prospect of a new permanent board and its character, as well as develop new policies regarding the scope and principles of future regulation.¹⁵

Section 3 (2) of the 1992 Training Security Officers Regulations states that the Board shall, for the purposes of the promotion of the training of security officers -

- a. Determine different training levels for different categories or grades of security officers, and shall for this purpose take into consideration such different categories or grades of security officers as may have been determined under the Wage Act, 1957 (Act No. 5 of 1957), for the purposes of any prevailing wage determination under the said Act with respect to security officers, notwithstanding that any such wage determination may not be applicable in every area in the Republic to which the Act applies;
- b. Determine the contents of training courses which the Board regards as the most suitable for the training of security officers of such different categories or grades: Provided that the subject-matter of such courses shall in the case of any particular category or grade of security officers consist at least of modules covering, with respect to security officers themselves or the protection or safeguarding of people or property, some or all of the following matters:
 - c. Personal hygiene and general appearance; Public relations; Role and functions of security officers; Bombs, explosive devices and firearms; Discipline; Self-defense; Observation; Guarding and patrolling; Fire-fighting, prevention and protection; Radio and telephonic communication; Legal aspects; Access control; Search procedures and techniques; Keeping the use of pocket books; Drafting of written reports; Handling of threats and risk; Bomb threats; Protection of information; Emergencies; Industrial relations; and Occupational safety;
- d. Determine the instructional objectives to be achieved in the training of security officers with regard to any module referred to in paragraph (b) of this sub-regulation, or any other module determined by the Board;
- e. Determine the most suitable minimum time periods for the practical and theoretical training, respectively, of security officers of a particular category or grade in respect of the subject-matter of any such module;
- f. Determine the best methods and procedures for the testing and evaluation of trainee security officers;

14 Supra, note 11.

15 Ibid.

- g. From time to time compile, and amend or substitute, an Instructors' Training Manual (Training Modules) with respect to security officers of the relevant grades or categories, which shall contain a clear exposition of the Board's determinations contemplated in paragraphs (a) to (e), inclusive of this sub-regulation;
- h. Submit the Instructors' Training Manual, and any amendment or substitution thereof, to the Minister for approval;
- i. From time to time inspect and evaluate any accredited training establishment or the methods, conduct of abilities of any accredited training instructor.¹⁶

Significantly, despite provisions that seek to ensure that PSiRA determines instructional objectives, suitable duration for training and appropriate methods of testing and evaluation of trainees, this seems to have only taken place when the legislation came into effect in 1992. Not surprisingly, some respondents have expressed the view that some of the content or modules prescribed in the Training Security Officers Regulations of 1992 are in the current context outdated and no longer relevant, while to others this still remains a moot point. This is particularly due to the reality that the majority of security service providers to whom these training standards apply are security officers/guards whose socio-economic background counts immensely in their ability to access training and develop sustainable skills.

Furthermore, despite the provision 3 (2) (h) of the Training Security Officers Regulations of 1992, which makes it conducive for the amendment of instructors' training manuals, the training manuals have never been augmented to become consistent with the contemporary private security industry. It is worthy to note that training in the private security industry is undergoing a transition, which intends to alter training to become aligned to the National Qualifications Framework (NQF). This transition will be discussed in more detail later in this report. It is laudable that regular training inspections have been maintained, albeit with changes to the approach to the inspection of training centres, which will also be discussed later in this report.

Notably, PSiRA's Law Enforcement department is tasked with ensuring that there are effective regulations in the security industry and that there is enforcement of the law and compliance to the regulations.¹⁷ Furthermore, part of the department's measurable objectives is conducting regular inspections for both security businesses and security officers to ensure compliance is met and charging and prosecuting those who are not compliant.¹⁸ This strategy led to the inspection of 4 114 security businesses and 23 555 security officers in the 2014/2015 financial year.¹⁹

It is worthy to mention that PSiRA calculates compliance based on the average level of compliance of both security businesses and security officers against pre-determined compliance areas.²⁰ These areas are: the deployment of registered security officers, the deployment of trained security officers, paying of annual fees, reporting intakes and dismissals, complying with regulation 10 documents, paying minimum wages

16 Training Security Officers Regulations, 1992.

17 *Supra*, note 8, p.94.

18 *Ibid*

19 *Ibid*.

20 *Ibid*, p.96.

and complying with the provident fund.²¹ The average level of compliance against these pre-determined compliance areas was 86%.²² In the same financial year referred to there were 8 195 active security companies and 451 565 active security officers.²³ This indicates a marginal scope in terms of ascertaining compliance with regard to security officers, a critical element with which to gauge the training compliance within the industry. In the main, it is more difficult to determine where compliance regarding training was established and where it was lacking, as reporting on compliance is bundled together based on the seven pre-determined compliance areas mentioned above.

21 Ibid.

22 Ibid.

23 *ibid*, pp.49 & 48.

4. Training stakeholders

It is deemed necessary at this stage to clarify the different actors that have contributed significantly to the development of the current training environment within the private security industry. The NQF traces its origins back to the labour movement of the early 1970s, when black trade union demands for a living wage were repeatedly rejected by employers on the grounds that workers were unskilled and therefore their demands were unjustified.²⁴ This, in turn led to black workers seeing training as a means to achieving their demands for better wages.²⁵

On the assumption that skills development would lead to better wages, an integrated proposal was formulated, based on a staged improvement in skills, linked to grading increments.²⁶ The proposal stressed the need not only for basic education, without which workers would not be able to access the proposed system, but also for portability and national recognition of training so that workers would not be at the mercy of a single employer.²⁷ The proposal was formally adopted by the Congress of South African Trade Unions (COSATU) in July 1991.²⁸ The mid-1970s also witnessed a demand for change in education, spearheaded by the non-governmental education sector, and protest was epitomised in the Soweto student uprising of 1976, which was followed by nation-wide student protests, discrediting the entire education system.²⁹ “Hence, the purpose of the Skills Development Levies Act 97 of 1998 is:

- a. to develop the skills of the South African workforce - (i) to improve the quality of life of workers, their prospects of work and labour mobility; (ii) to improve productivity in the workplace and the competitiveness of employers; (iii) to promote self-employment; and (iv) to improve the delivery of social services;
- b. to increase the levels of investment in education and training in the labour market and to improve the return on that investment;
- c. (c) to encourage employers - (i) to use the workplace as an active learning environment; (ii) to provide employees with the opportunities to acquire new skills; (iii) to provide opportunities for new entrants to the labour market to gain work experience; and (iv) to employ persons who find it difficult to be employed;
- d. to encourage workers to participate in learning programmes; [Para. (d) substituted by s. 2 of Act 37/2008]

24 SAQA Website. Available at: <http://www.saqa.org.za/show.php?id=5659> (accessed 10 March 2016).

25 Ibid.

26 Ibid.

27 Ibid.

28 Ibid.

29 Ibid.

- e. to improve the employment prospects of persons previously disadvantaged by unfair discrimination and to redress those disadvantages through training and education;
- f. to ensure the quality of learning in and for the workplace; [Para. (f) substituted by s. 2 of Act 37/2008]
- g. to assist - (i) work-seekers to find work; (ii) retrenched workers to re-enter the labour market; (iii) employers to find qualified employees; and
- h. to provide and regulate employment services.”³⁰

The Skills Development Levies Act 9 of 1999 and its predecessors sought “[T]o provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce; to integrate those strategies within the National Qualifications Framework contemplated in the South African Qualifications Authority Act, 1995; to provide for learnerships that lead to recognised occupational qualifications; to provide for the financing of skills development by means of a levy-financing scheme and a National Skills Fund; to provide for and regulate employment services; and to provide for matters connected therewith.”³¹ It is worthy to note that the mechanism through which this was to be attained was the imposition of a levy. Section 3, subsection 1 (a), (b) & 4 states:

“Every employer must pay a skills development levy from - (a) 1 April 2000, at a rate of 0,5 per cent of the leviable amount; and (b) 1 April 2001, at a rate of one per cent of the leviable amount. (4) Leviable amount means the total amount of remuneration, paid or payable, or deemed to be paid or payable, by an employer to its employees during any month.”³²

One respondent underscored that the main idea was to create a skills developmental plan for every employee that is monitored by SASSETA, which receives a workplace skills plan (WSP) and an annual training plan from each employer. It was noted that 60% of money paid to the SETA was reverted back to employers.³³ In this context the employer hired the trainee after the year-long learnership, and SASSETA would subsidise the funding for the employment.³⁴ The remark was made that this presented a win-win situation and that the government exerted a considerable amount of effort to address the issue of unemployment, but it was noted that there was still a lack of understanding of how to unlock the funds.³⁵

SASSETA has been accredited by the South African Qualifications Authority (SAQA) as an Education and Training Quality Assurance body (ETQA).³⁶ SASSETA’s core focus includes the areas of policing, security practice, security management, firearm usage and management, as well as attorneys, notarial and conveyancer practices, and provides three levels of accreditation, namely full; provisional and approval of learning programmes.³⁷ In terms of this accreditation, it:

30 Skills Development Levies Act 97 of 1998. Available at: <http://www.saqqa.org.za/docs/legislation/2010/act97.pdf> (accessed 10 March 2016).

31 Ibid.

32 Ibid.

33 Interview, anonymous respondent 21 October 2015.

34 Ibid.

35 Ibid.

36 SASSETA Website. Available at: <http://www.sassetta.org.za/index.php?page=etqa> (accessed 18 March 2016).

37 Ibid.

Accredits education and training providers in the safety and security sector; Promotes quality standards amongst fundamental providers; Registers constituent assessors in the safety and security sector; Effectively monitors education and training provision in the sector; Evaluates assessment and facilitates moderation of assessments, including Recognition of Prior Learning (RPL) Awards certificates to learners who have displayed the necessary competency levels; Co-operates with other Education and Training Quality Assurance (ETQA) bodies; Recommends new standards, qualifications and/or modifications to existing standards and qualifications to the appropriate national standards bodies; Accurately maintains a database acceptable to the South African Qualifications Authority (SAQA); Submits comprehensive, research-based reports to the South African Qualifications Authority (SAQA); Competently performs any function assigned by the South African Qualifications Authority (SAQA).³⁸

At SASSETA there are two categories of accreditation, namely, 'assessment only' for Recognition of Prior Learning (RPL) learners and providers who wish to assess and not deliver any learning programmes and 'delivery and assessment' for providers who wish to deliver learning programmes and assess learners.³⁹ No 'delivery only' category exists, as SASSETA cannot accredit providers who do not assess learners to whom they deliver learning programmes.

In cases where workplaces are also training providers, the training unit and not the entire company is accredited.⁴⁰ Workplaces that act as hosts for the practical component of a learning programme need not be accredited, but are encouraged to implement certain systems and mechanisms to adequately support learners.⁴¹

It was noted that the majority of the contributors to SASSETA, with regard to skills levies, were in the private security industry, followed by the legal chamber, although the biggest portion of the funding from the SETA went to the government departments that received this funding supplementary to their funding from National Treasury.⁴² There used to be 25 SETAs and this was reduced to 18, and it was stated that the SETAs were 'too big of an elephant and should rather be consolidated to make one super-SETA'.⁴³

The South African Qualifications Authority (SAQA) is a juristic person - that is an entity given a legal personality by the law.⁴⁴ The South African Qualifications Authority Board is a body of 12 members appointed by the Minister of Higher Education and Training, which must advise the Minister of Higher Education and Training on NQF matters in terms of the NQF Act.⁴⁵ SAQA's objectives are to advance the objectives of the NQF, oversee the further development and implementation of the NQF, and co-ordinate the sub-frameworks.⁴⁶ It is worthy to note that the NQF Bill was passed into law as the South African Qualifications Authority Act (No. 58 of 1995) on 4 October 1995.⁴⁷

38 Ibid.

39 Ibid.

40 Ibid.

41 Ibid.

42 Interview, anonymous respondent, 5 November 2015.

43 Ibid.

44 SAQA Website. Available at: <http://www.saqa.org.za/docs/webcontent/2014/about.htm> (accessed 22 January 2016).

45 Ibid..

46 Ibid.

47 Ibid.

In 2001, the Ministers of Education and Labour published a joint policy statement on Enhancing the Efficacy and Efficiency of the National Qualifications Framework, which heralded legislation that would put in place a new structure for the NQF, namely that three sub-frameworks would be established under three Quality Councils (QCs) (General and Further Education and Training, Higher Education and Trades and Occupations).⁴⁸ 'Operationally these three QCs were to take responsibility for the development of qualifications and quality assurance ... and in consultation with SAQA, develop criteria for the registration of their qualifications and qualification types by SAQA'.⁴⁹ The National Qualifications Framework Act No 67 of 2008 gives legislative effect to the new policy which replaced the South African Qualifications Authority Act.⁵⁰

In terms of the NQF Act no. 67 of 2008, the Quality Councils must, amongst others, perform their functions subject to the NQF Act 67 of 2008 and the law by which the QC is established; develop and manage their sub-frameworks, and make recommendations thereon to the Minister; ensure the development of qualifications or part-qualifications as are necessary for their sectors, which may include appropriate measures for the assessment of learning achievement; and recommend qualifications or part-qualifications to SAQA for registration.⁵¹

With regard to qualifications, SAQA must develop and implement policy and criteria after consultation with the QCs for the development, registration and publication of qualifications and part-qualifications.⁵² This includes identifying the relevant sub-framework and developing a distinct nomenclature for its qualification types which is appropriate to the relevant sub- framework and consistent with international practice.⁵³ SAQA must also register a qualification or part-qualification recommended by a QC if it meets the relevant criteria, and develop policy and criteria, after consultation with the QCs, for assessment, recognition of prior learning and credit accumulation and transfer.⁵⁴

The Education and Training Quality Assurance (ETQA) regulations were also published in 1998 and provided for the accreditation of Education and Training Quality Assurance bodies.⁵⁵ These bodies are responsible for accrediting providers of education and training standards and qualifications registered on the NQF; monitoring provision; evaluating assessment and facilitating moderation across providers; and registering assessors.⁵⁶ The ETQA responsibilities of SETAs will remain according to the mentioned SAQA regulations until such time as the Minister of Higher Education and Training publishes new regulations to replace the existing regulations, after which the responsibilities will reside with the Quality Council for Trade and Occupations (QCTO).⁵⁷

This rationale becomes even more imperative due to the envisioned co-operation, suggested under the previous and current MoU between PSiRA and the Safety and Security Sector Education and Training Authority (SASSETA). The latter is a South African Qualifications Authority (SAQA) accredited Education, Training and Quality Assurance Body (ETQA). SASSETA is required to quality assure the training and edu-

48 Ibid.
49 Ibid.
50 Ibid.
51 Ibid.
52 Ibid.
53 Ibid.
54 Ibid.
55 Ibid.
56 Ibid.
57 Ibid.

cation for the private security industry in line with the qualifications registered on the National Qualifications Framework (NQF).

- Sectoral Determination 6 is the specific legislation that governs the private security industry in South Africa.⁵⁸ The determination sets;
- minimum wages, working hours, number of leave days, termination rules and applies to all employers and private security workers who are associated with guarding and protecting; fixed property, premises, goods, people, or workers,⁵⁹ which includes those monitoring and responding to alarms, but does not apply to workers who are managers or covered by another; sectoral determination, or bargaining council agreement.⁶⁰ The Basic Conditions of Employment Act applies in respect of any matter not covered by this sectoral determination.⁶¹

Both PSiRA and SASSETA acknowledge the need to promote high standards in the training of security service providers. In their endeavour to attain this, a Memorandum of Understanding (MoU) was signed in April 2014. The MoU aims to provide clarity on how each party's role will be executed, and how each party will implement dual quality assurance of qualifications for the private security industry, as registered on the NQF. This will signal a move from the past practice where the private security industry was trained according to PSiRA-accredited courses that are not aligned to a national qualification. The MoUs signed by PSiRA and SASSETA in 2005 and 2008 were not effectively implemented. The decision to transition from the aforementioned courses to the new training standards, based on SAQA registered qualifications, seeks to realise the envisioned higher standards for the industry and thus ensure higher quality regulation for private security services.

58 Department of Labour website. Available at: <http://www.labour.gov.za/DOL/legislation/sectoral-determinations/sectoral-determination-6-private-security-sector> (accessed 15 February 2016).

59 Ibid.

60 Ibid.

61 Ibid.

5. PSIRA Moratorium

On 8 May 2007, a communiqué was sent out to all security service providers. Amongst other issues being addressed to the private security industry, there was a notice that would bear a significant mark on the progression of the industry as a whole. 'Handing-over of the accreditation function to SASSETA', the last sub-heading in the Communiqué, stated:

With reference to the 'joint' communiqué issued between the Safety and Security Sector Education and Training Authority (SASSETA) and the Private Security Industry Regulatory Authority (PSiRA) on 5 October 2006, all Security Service Providers are again informed that in terms of the Memorandum of Understanding signed between SASSETA and PSiRA, SASSETA has with effect from 4 July 2005 taken over the quality assurance function of all training conducted in the Security Industry. In this regard, all Security Service Providers are advised that the Authority has ceased to process all new applications for accreditation as from 1 May 2007 to present courses as contemplated in the Training of Security Officers Regulations, 1992. It goes without saying that existing accredited training providers who are still presenting the courses as contemplated in the abovementioned regulations, may continue to do so until further notice. These training providers are, however, advised, as a matter of urgency, to ensure timeous accreditation with SASSETA.⁶²

Three MoUs were to be signed on 14 July 2005, 1 August 2008 and the most recent one on 1 April 2014. It is safe to say that the two initial MoUs were never implemented, nor could they be, owing to the lack of mechanisms in place to support their prescriptions. Arguably, no or few support structures are in place to fully meet the requirements of the recently signed MoU, which seeks to extend the role of accreditation of training providers from PSiRA and introduce 'dual accreditation' with SASSETA. In this context, PSiRA, the private security industry regulator, will in theory outsource its key function of "promoting high standards in the training of security service providers and prospective security service providers" in accordance with section 3 (j) of the Principle Act. More details regarding this process will be elaborated on later in this report.

Respondents were asked to outline their thoughts on whether the moratorium placed on the accreditation of new training centres, initiated in May 2007, was an effective way to stem the challenges that were being experienced in the training of prospective private security personnel. The initial assumption was that the moratorium was precipitated by high levels of fraud and the emergence of unscrupulous training centres. One respondent was not in favour of the moratorium placed on the registration of new training centres, as it 'limits the agency of actors in the industry to have new training centres registered and it seems as though PSiRA is trying to pass the buck to SASSETA.'⁶³ He held the view that the moratorium was not an effective way of dealing with the challenges within the training environment, and in fact created more

62 PSiRA Moratorium, 1 May 2007.

63 Interview, anonymous respondent, 7 October 2015.

challenges, while the emergence of satellite training was highlighted, despite the lack of registration.⁶⁴ It was lamented that PSiRA expects trained and registered security guards when this was hampered by the moratorium.⁶⁵

Another respondent stated that a past Government Gazette indicated that control of training in the private security industry would go from PSiRA to SASSETA and this was never implemented.⁶⁶ He noted that currently training consists of grades established in the pre-1994 era that included 'sitting for six days in a classroom to learn how to polish one's boots.'⁶⁷ It was conceded that a significant number of individuals that sought to enter the private security industry relied on self-study, as it was cheaper. This, he stated, was the complete opposite of the skills programmes that were far more expensive than 'grades'.⁶⁸

It was noted that self-study was an effective part of completing the notional hours required for the training, and required the trainee to show individual agency and do something for him or herself.⁶⁹ The respondent remarked on the role of SAQA that stipulated that all training in the country must be quality assured, which was the new role of SASSETA for the private security industry.⁷⁰

It was stated that at one point there were 1 000 training centres nationally, and the training thereof was conducted through what was known as a 'block programme,' which was approved by the SOB and approved the length of training that came up to five days for each grade.⁷¹ It was noted that the wording of the PSiRA Act 56 of 2001 mandated the Authority to promote training standards and that, although PSiRA may delegate to other bodies, the Authority was legally mandated to develop and accredit training standards.⁷² The view was expressed that the first intention to secure a Memorandum of Understanding (MoU) was initiated by the then Minister of Safety and Security, Charles Nqakula, in 2005.⁷³

The assertion was made that the moratorium on the accreditation of new training centres was aimed at 'forcing the industry to build capacity, because SASSETA training centres did not have to register with

64 Ibid.
65 Ibid.
66 Supra, note 33.
67 Ibid.
68 Ibid.
69 Ibid.
70 Ibid.
71 Supra, note 42.
72 Ibid.
73 Ibid.

PSiRA.⁷⁴ The view was held that the moratorium had nothing to do with fraud, but rather to develop capacity of training that was NQF aligned, which was critical owing to the generic nature of the PSiRA grades.⁷⁵

During a focus group discussion it was stated that the moratorium was pitiful, due to the delay of SASSETA to manage the changeover, and that currently training was 'in the middle of nowhere,' and there was a need for new training centres to be accredited.⁷⁶ PSiRA, it was underscored, 'needs to take control of the training learnership committee'. One of the training managers interviewed, sat on the committee and stated that SASSETA was very slow to accredit, which in some cases could take one or even two years.⁷⁷ However, while it was noted that the quality of PSiRA's training materials were much lower, the point was made that PSiRA's inspections and quality assurance assessments were better than SASSETA's, owing to the fact that PSiRA was a legal statute, and this was exacerbated by the fact that no-one was in control at SASSETA.⁷⁸ This was in reference to the fact that SASSETA was under administration. The view was held that PSiRA had the 'punish and reward' approach, while with SASSETA one did not know where they stood.⁷⁹

One respondent from one of the largest PSCs in the country stated that the moratorium did not help and in fact hampered the PSC's chances to be awarded a new contract for cash-in-transit (CIT) training in Kuru-man, where there were no accredited training centres.⁸⁰ This was lamented because there were personnel that would resign from their places of work in rural areas and it was difficult to replace them as there were no training centres in the outer-lying areas.⁸¹ It was conceded that this was counterproductive, as PSiRA was supposed to create an enabling environment for the private security industry.⁸²

It was stated that PSiRA needed to overturn the moratorium and begin to register an institution, rather than a facility, in order to extend accreditation to different branches of the same training centre.⁸³ This, it was noted, was needed, as people did not have money to travel just to find 'trusted' providers. The assertion was made that more frequent inspection should be conducted at the training centres and their branches to avoid repeated cheating and selling of R50 training certificates.⁸⁴ In Cape Town, one respondent stated that the benefit of the moratorium was that not just anyone could open a training centre; however, he alleged that he had knowledge of a person who was able to re-open a training centre whose operations had been suspended by just paying the monies due to PSiRA.⁸⁵

According to PSiRA's Deputy Director in charge of training, whose tenure began after the introduction of the moratorium, it was noted that the intention was to align the moratorium with the introduction of skills programmes that were aligned to the role of SETAs, which were taking over the responsibility of skills

74 Ibid.

75 Ibid.

76 Interview, Mr Griessel and Professor Thorpe, Training Managers, Fidelity Security, 22 October 2015.

77 Ibid.

78 Ibid.

79 Ibid.

80 Ibid.

81 Ibid.

82 Ibid.

83 Ibid.

84 Ibid.

85 Interview, anonymous respondent, 24 February 2016.

training.⁸⁶ It was noted that the placing of a moratorium on the accreditation of training centres required many implementation measures to support this; however, these were not in place and hence it was inevitable that the execution was not going to be entirely successful.⁸⁷

It was stated that the moratorium created confusion and compromised PSiRA as a regulator in terms of the revenue derived from training that ceased, as trainers were hesitant to register with PSiRA.⁸⁸ The delegation to SASSETA was initiated even though PSiRA was not ready and it would have been better to initiate it through gradual phases to ascertain what would and what would not work, what could be assigned to SASSETA and what should remain in the purview of PSiRA.⁸⁹ It was characterized as a good idea with poor execution.

PSiRA's Deputy Director expressed the view that the Authority should rather have partnered with SASSETA first, before putting the moratorium in place, asserting that PSiRA is still responsible for setting training standards and enforcement. This, it was noted, could not be delegated to SASSETA, as the latter did not have the mandate nor the capacity to enforce compliance.⁹⁰ The assertion was made that there was a need to reverse the moratorium and that training in terms of skills programmes were null and void and only PSiRA grades were viable, highlighting that the implementation of the former ought to be progressive.⁹¹ It was underscored that this process should entail gradually uplifting the moratorium and determining clarity regarding dual accreditation by both PSiRA and SASSETA, particularly as there was uncertainty regarding how long SASSETA would be around - the latter's certificate of establishment had been renewed for another 24 months.⁹²

86 Interview, PSiRA Deputy Director, 2 February 2016.

87 Ibid.

88 Ibid.

89 Ibid.

90 Ibid.

91 Ibid.

92 Ibid.

6. Training the trainer

In an effort to understand the initial stages of private security regulation, respondents were asked if the developers of training standards, namely grades, were sourced from the private security industry, who these were and if their role was effective. It was asserted that developers of the training material found in grades were indeed from the private security industry, and specific reference was made to the SOB.⁹³ However, grades were developed so long ago that they were currently outdated, and in some cases still referred to apartheid regime elements. There is therefore a need for training standards developed by a group of persons with specialised training backgrounds, namely the subject-matter expert.⁹⁴

The old Security Officers Board (SOB) vendors approved and compiled learning material for training centres (volumes 1-3), which were then sold to new training centres.⁹⁵ The view was expressed that the current instructors' accreditation was lacking in credibility and the instructor's course itself had content that was completely outdated and unfortunately was still being used. It was suggested that this should be changed urgently.⁹⁶ Another respondent highlighted that instructor manuals were written by people in the industry who had the necessary knowledge and background, hence they are very military and police oriented and currently there was nothing wrong with that.⁹⁷

Another respondent affirmed that the 'grades' training and SASSETA system was sourced from the private security industry, and initially developed by the SOB, which was a self-regulatory body comprised of different actors from labour and the private security industry itself.⁹⁸

Respondents were asked what the requirements were for instructors in order to qualify to oversee the training of new recruits in the private security industry. It was asserted that facilitators and assessors needed to be registered with PSiRA as a minimum requirement and also needed practical experience in the private security field.⁹⁹ One respondent highlighted that his PSC had exceeded the minimum requirements and even had a leadership and management course for assessors as a standard.¹⁰⁰ It was noted that the old PSiRA two-weeks instructor course fell away because PSiRA stopped accrediting new instructors, and that now the only thing that was needed was an assessor's qualifications that meant that the trainee doesn't have anyone to communicate with.¹⁰¹

93 Supra, note 63.

94 Ibid.

95 Interview, anonymous respondent, 22 October 2015.

96 Ibid.

97 Interview, anonymous respondent, 24 February 2016.

98 Interview, anonymous respondent, 27 January 2016.

99 Interview, Mr Makoti, Bosasa Security Training Coordinator, 9 October 2015.

100 Ibid.

101 Supra, note 76.

It was asserted that the instructor course should return and be coupled with the facilitator course, as well as linking it up with the PSiRA programmes.¹⁰² The remark was made that the PSC used to provide training for instructors, but this did not happen anymore, and that due to the moratorium and the switch-over to NQF training standards, there were no longer enough people to train the trainers.¹⁰³ One respondent asserted that instructors did not receive regular assessments and only needed to apply to PSiRA, which would be followed with an evaluation of the application of where the instructors training had been completed.¹⁰⁴ It was affirmed that the moratorium for training centres did not apply to individual instructors, who had to complete special training at specified training centres in spite of the confusion regarding training in the private security industry.¹⁰⁵

A representative from SASSETA stated that they did not know what the criteria was for PSiRA inspectors and the correlation was made regarding how this shortcoming, in terms of the criteria to facilitate teaching, also affected paralegals who were appointed as facilitators, but had no knowledge of the field and could not answer students' questions if they had no experience.¹⁰⁶ It was noted that this was a problem across all SETAs and emphasis was placed on the need for basic understanding of the field.¹⁰⁷ In addition, it was noted that the logic had been turned on its head to require the assessor and moderator to have qualifications, when in fact it was more important for the facilitator to be properly versed.¹⁰⁸ It was noted that there was a drive at SASSETA to cease the funding of persons without the necessary qualifications.¹⁰⁹

The view was expressed that PSiRA had the ability to change this within the private security industry and that the Authority should make it a requirement for SASSETA to only accredit instructors/facilitators with sufficient experience and qualifications.¹¹⁰ It was stated that although there were no known international best practices in this regard, attempts should be made to ascertain this, and the assertion made that SASSETA could not deny a training centre accreditation until PSiRA put measures in place. Further, it was expressed that there was a need for more active monitoring of what exactly happened in the classrooms for both PSiRA and SASSETA training.¹¹¹

The view was held that SASSETA's facilitators programmes and various unit standards were orientated towards audiences and the example was made of firearms and the theory of first aid.¹¹² It was asserted

102 Supra, note 76.

103 Supra, note 76.

104 Supra, note 42.

105 Ibid.

106 Supra, note 98.

107 Ibid.

108 Ibid.

109 Ibid.

110 Ibid.

111 Ibid.

112 Supra, note 76.

that group work does not teach a person a skill and that the best option is to teach a person through instructional training, for example, the trainer would blow a whistle to stop firing a firearm, emphasizing that the training should be based on instructions.¹¹³ It was noted that the Professional Firearm Training Council (PFTC) was returning to the instructional type of learning and highlighted that 'one could not facilitate searching, and the trainer had to show the trainee how to do it,' which required a lesson plan.¹¹⁴ It was remarked that SASSETA did not have lesson plans, but a facilitator's guide that, according to some of the managers interviewed, lacked relevance and a learning event plan that nobody used.¹¹⁵

To further elucidate, it was noted that the latter was the same as a lesson plan which 'tells you what you are going to do and how long it will take'.¹¹⁶ The view was expressed that the private security industry operated along similar principles as the army or the police and that, because of SASSETA's training approach, weaker security officers were being produced.¹¹⁷ It was stated that what was needed was a combination of the two and it was imprudent not to throw out the old for the new. This, it was stated, could be done by elevating the basic PSiRA material to a more specialised level for the security officer.¹¹⁸

The view was held that a facilitator did not have to register with the SETA, whose role was basically that of an instructor, and neither had an obligation to register with the SETA, as the assessor and moderator's roles were the only ones that were recognised.¹¹⁹ The former was required to assess competency after a facilitator had completed his or her training and this person was likely to be permanently employed.¹²⁰ The latter's role was to ensure that the assessment that is conducted is fair and reliable and it was noted that this person was most likely not permanently employed. Once the moderator had completed his or her task, SASSETA would send a verifier to perform quality assurance checks on the assessor's and moderator's assessments in order to provide additional checks and balances that were needed due to the high risk of fraud in the training centre environment.¹²¹

PSiRA's Deputy Director stated that the intention was for the Authority to initiate a process whereby all instructors would undergo refresher training once a year, noting that instructors must develop themselves otherwise they would remain stagnant in an environment where they were needed to be relevant and updated.¹²² It was asserted that PSiRA had to look at the training material and the way in which it was packaged, as the private security industry was constantly evolving, while the training material harked back to the 1980s era.¹²³

113 Supra, note 76.

114 Supra, note 76.

115 Supra, note 76.

116 Supra, note 76.

117 Supra, note 76.

118 Supra, note 76.

119 Supra, note 42.

120 Ibid.

121 Ibid.

122 Supra, note 86.

123 Supra, note 86.

7. Industry training

7.1. ENFORCING TRAINING REGULATIONS

In the past, when inspectors wanted to inspect a training centre, there was a requirement to call ahead and make an appointment. It was stated that the advance notice meant that the service provider had the opportunity to do 'damage control.'¹²⁴ It was stated that in the past inspection of a training centre could take a whole day.¹²⁵ The point was made that in 1999 there was a move to change the approach towards the inspection of training centres and a surprise inspection was decided upon, which resulted in many contraventions being uncovered and more than 20 training centres being withdrawn.¹²⁶ In the past, inspection of training centres was carried out by a specialised team that focused only on training centres and included making observations of the instructors and even interviewing learners.¹²⁷

It was conceded that the extension of accreditation for training centres was allowed in the SOB era; however, this was eventually reversed due to problems experienced in controlling this.¹²⁸ Furthermore, it was alleged that there was a period when significant numbers of persons from the South African National Defence Force (SANDF) and the SAPS were moonlighting to do security training, which led to the training environment no longer being controlled, as training centres were mushrooming.¹²⁹ During the time when Mr Mbodla was the head of PSiRA's law enforcement unit, he made the decision that training centres would be prosecuted the same way as PSCs were.¹³⁰ Before this decision, PSiRA would send training centres a 14-day notice period within which to respond to the charges levelled against them. If this was found to be insufficient, then the training centre would be withdrawn.¹³¹ This process was criticised as being one-sided, as parties were not allowed to make representations, and the registrar would make the final decision.¹³²

The view was held that the current approach of prosecuting training centres under the Code of Conduct was time consuming, and while conducting an investigation the training centre would continue contravening the law.¹³³ Further, it was noted that the current Code of Conduct did not impose withdrawal of accreditation as a penalty for a training centre.¹³⁴ Even after finding a contravention, it was difficult to make a withdrawal and the only other option was to withdraw registration of the service provider. This was deemed

124 Interview, anonymous respondent 9 March 2016.

125 Ibid.

126 Ibid.

127 Ibid.

128 Ibid.

129 Ibid.

130 Ibid.

131 Ibid.

132 Ibid.

133 Ibid.

134 Ibid.

a strenuous undertaking and was determined, according to the discretion of the presiding officer, if the person was a first-time offender and how many employees the business had.¹³⁵

7.2. THE CREDIBILITY GAP

It was noted that in terms of specialised training, all stakeholders were recruiting from the same pool and there was a need for fresh recruits.¹³⁶ Engagement with the different respondents provided a succinct vantage point with which to view the prism that training in the private security industry exists. Notably this allowed the illumination of the critical undercurrent that informs this aspect of security and its regulation. This includes, but is not limited to: allegations of corruption in the sector, allegations of poor and unreliable outcomes from training, the sale of fake training certificates for unqualified recruits, and how the sector relates to PSiRA, SASSETA and other relevant stakeholders.

Fault lines were identified in the practice whereby courses were presented by an institution and assessment was also carried out by the same institution, with the view held by one respondent that there was financial pressure to get certificates out; whether or not the person was competent was not the objective.¹³⁷ The view was expressed that while some classes were full, others were empty and still course reports were submitted as if all classes were full. This, it was noted, was most likely when certificates had been sold.¹³⁸ It was stated that most exams were open book tests and it was alleged that students were not taught, but rather told what would be in the exam.¹³⁹ It was also conceded that were three exams that were alternated but, over the entire course of private security regulation in South Africa, the content of these had never changed.¹⁴⁰ It was stated that training was viewed by some as a money-making racket and private security entrants were not receiving the envisioned training.¹⁴¹ It was further noted that for training centres more classes meant higher rent, especially for those who wanted to be located in the more popular areas, which led to financial gain being the primary driver for the training centre.¹⁴² For persons in rural areas or outer-lying areas who wanted to train to enter into the private security industry, there were huge cost implications, namely travel and accommodation, and it was stated that those who could not afford this, opted to rather buy a certificate.¹⁴³ It was noted that in some instances trainers were sent out to rural areas, presented a class there and then proceeded to sell certificates.¹⁴⁴

It was asserted that if a security service provider was found to be selling certificates, this would lead to immediate withdrawal of registration.¹⁴⁵ However, it was highlighted that the legislative framework does not assist nor support regulation regarding training centres, as very little is said about how the course should be done, except that learning material should be bought from a training centre.¹⁴⁶ It was underscored that

135 Ibid.

136 Supra, note 63.

137 Interview, anonymous respondent, 15 February 2016.

138 Ibid.

139 Ibid.

140 Ibid.

141 Ibid.

142 Ibid.

143 Ibid.

144 Ibid.

145 Ibid.

146 Ibid.

students were encouraged not to write down the date for the exam and there was nothing in the training regulation that required this --the prescript only required that the course reports to be submitted within a reasonable time.¹⁴⁷

The other option that differs from the regular attendance of classes at training centres, is self-study, which entails training centres buying PSiRA course content from Inkwe or Ubuntu, the two institutions mandated to distribute PSiRA 'grades' material.¹⁴⁸ Training centres were only allowed to buy learning material from these two institutions. Typically with self-study a learner or prospective security officer goes to a training centre and registers for the respective grade he/she wishes to study for at the training centre and then returns later to write the exam.¹⁴⁹ This would be followed by the training centre sending the exams back to Inkwe or Ubuntu and then these results are forwarded to PSiRA.¹⁵⁰

It was stated that training inspections were very hollow and that PSiRA inspectors did not know what they were asking for, and were in dire need of training on how to conduct proper investigations.¹⁵¹ During PSiRA inspections, inspectors asked for a transparency while the manager had a digital projector, and also wanted to see an ironing board and an iron, just to tick the boxes.¹⁵² It was stated that this should be changed, as the service provider would be charged for not having the item, although there were new and better ways of presenting classes and training learners.¹⁵³

Respondents were asked if instructors received regular assessment of their skills, owing to the fast-growing industry and evolution of security provision, for example in the electronic security sector. It was noted that there was no consideration for the growth of the industry, particularly for the electronic security sector, which presents the biggest shortfall in terms of regulation as this is one of the fastest growing sectors.¹⁵⁴ It was stated that SASSETA hired Desdo, but that the company had nothing to offer the private security industry and that the PSC conducted CCTV training and could not use PSiRA or SASSETA training because there was nothing on the topic, which resulted in the PSC developing their own training manual.¹⁵⁵

One training manager highlighted that his PSC's training centres comprised of three business units: a care and justice unit, an Africa head office unit and a secure solutions and cash solutions unit.¹⁵⁶ He noted that 36 cash branches could not open since 2003, and that these had been replaced by SASSETA accredited training centres.¹⁵⁷ He further noted that as a result of the moratorium on training centres, there was a perception that SASSETA would regulate all training in the private security industry; a critical misreading of the moratorium.¹⁵⁸

147 Ibid.

148 Ibid.

149 Ibid.

150 Ibid.

151 Ibid.

152 Ibid.

153 Ibid.

154 Supra, note 76.

155 Supra, note 76.

156 Supra, note 63.

157 Ibid.

158 Ibid.

It was expressed that PSiRA only required an instructor to carry out the testing and marking of exams, and a training manager who would sign the final course report that would subsequently be submitted to PSiRA for processing.¹⁵⁹ It was lamented that this process only sought to determine that the training centre and the manager were registered. This, it was asserted, was integrity-based, as PSiRA expected training centres to do what was required.¹⁶⁰ The view was held that, even with SASSETA, fraud was still an issue and that it was impossible to root out fraud in its entirety.¹⁶¹

It was stated that PSiRA had accredited many training centres in the past, many of which placed their training emphasis on the theoretical aspect as opposed to the practical side of private security training.¹⁶² The remark was made that there was an advert in the newspaper years ago that advertised 'grade D' training for only R50, stating that 'if you bring a friend, you get grade E for free'.¹⁶³ It was conceded that after the five-day PSiRA training, course reports were sent from the different training centres and this process relied on the trust of the training provider's integrity.¹⁶⁴ The respondent stated that PSiRA must have an exams centre to deter the reality of a culture of fraud that exists in the training of private security personnel.¹⁶⁵

It was highlighted that there was a huge number of people that were providing training illegally, in reference to fly-by-night training centres, but it was noted that what was worse were those that were registered to provide training and exploited those who paid for training because they were desperate for jobs.¹⁶⁶ It was lamented that as part of training regulation there is never any follow up as to whether the person got a job, and the fact that training was over-focused on the guarding sector while other areas were neglected.¹⁶⁷ The view was expressed that training for the private security industry only trained a person to become a security officer for life, as it was considered one of the lowest levels of employment.¹⁶⁸ Although developing a career path for security officers may not be popular in the industry, it is something that must be considered.¹⁶⁹

The question was posed regarding what the point was of upskilling people if they were expected to remain security officers for life and the point was made that the industry operates as if it is satisfied with being entry-level employers, and that that was part of the reason why security officers became involved in crime.¹⁷⁰ It was stated that PSCs did not identify excellent security officers to receive further training from the workforce, and the industry was not willing to train security officers to become operations managers.¹⁷¹

One respondent noted that his PSC training centre for CIT was not PSiRA-accredited and there had been no inspection that had been conducted on their training centres. The assertion was made that policing of

159 Supra, note 42.

160 Ibid.

161 Ibid.

162 Supra note 95.

163 Ibid.

164 Supra, note 86.

165 Supra, note 95.

166 Supra, note 98.

167 Ibid.

168 Ibid.

169 Ibid.

170 Ibid.

171 Ibid.

training centres was not frequent enough, nor did it have penalties that were harsh enough.¹⁷² The view was expressed that PSiRA should set up an exam centre where people could be assessed as instructors and it was further emphasized that inspectors seldom inspect training centres.¹⁷³

Converse arguments presented point to the suggestion to have a centralized PSiRA exams centre as impractical within the context of 400 training centres writing exams every Friday of each week.¹⁷⁴ This was attributed to the challenge of cost that would be associated with the management of such an exam centre.¹⁷⁵ There is merit in initiating a feasibility study to verify the cost implications of a central national exams centre, similar to those used to determine driving competency, as part of exploring different regulatory approaches.

It was remarked that there were instances of training providers that were accredited with SASSETA to provide skills programmes, who joined the industry after the PSiRA moratorium and thus were not registered or accredited with PSiRA.¹⁷⁶ It was noted that PSiRA could only register businesses and no longer registered training centres, and the view was expressed that this discouraged new training providers from registering with PSiRA, and worse, it created confusion regarding whether all private security training centres had to be registered with PSiRA.¹⁷⁷ It was underscored that all private security training centres were indeed required to register with PSiRA and then could be accredited by SASSETA.¹⁷⁸

7.3. FIREARM TRAINING

There has indeed been an unyielding observation that some rogue elements have tainted the private security industry by committing criminal offences, resulting from the nature of their work. The misuse of firearms by security guards has also been witnessed within the private security industry. Regarding the illegal use of firearms within the private security industry, it has been argued that private security companies are perceived as a high risk for the diversion of company weapons to an illegal pool that uses company firearms to perpetrate violence.¹⁷⁹

Furthermore, there is insufficient data on how many firearms are used in crimes, as well as the rates of diversion.¹⁸⁰ One respondent noted that there were firearm personnel that were not fully familiar in the use of a firearm and yet had been issued a competency certificate.¹⁸¹ The potential for misconduct and criminality, apparent in certain sectors of the private security industry, highlights the need for stricter application of training standards. A representative from SASSETA was asked why accreditation for firearm competency training had been delegated to the Professional Firearm Training Council (PFTC) and what their opinion of PFTC's performance was. It was stated that this role was delegated because SASSETA was failing to fulfill

172 Supra, note 95.

173 Interview, anonymous respondent, 22 October 2015.

174 Supra, note 42.

175 Ibid.

176 Supra, note 86.

177 Ibid.

178 Ibid.

179 Jaynes, N. 'Flying Below the Radar', Open Society Foundation for South Africa, 2012, p.24.

180 Ibid.

181 Supra, note 95.

its mandate, as evidenced by the massive backlogs.¹⁸² It was stated that this delegation was dangerous, as the PFTC was run by people in the private security industry, who also presented themselves as training providers, and that this led to questions about their objectivity and subjectivity, highlighting that there was a perception that the PFTC was not independent.¹⁸³

However, it was clarified that this did not necessarily mean that the PFTC was collapsing, but that there was a risk of having people with a stake so closely associated with the training.¹⁸⁴ One respondent lamented the fact that the training for firearm use in the country had been delegated by SASSETA to the PFTC, and questioned the relevance of the delegation that still promoted pre-1994 ideals.¹⁸⁵ The view was held that firearm training regulation should be controlled by an impartial government entity that could also drive quality assurance.¹⁸⁶

It was further lamented that the PFTC comprised of 12 white males and that the PFTC promoted the view that the practical component of a grading shoot made someone an instructor.¹⁸⁷ Changes to the shooting grade distance from 50 metres to 25 metres, were also criticized.¹⁸⁸ It was alleged that in order to remain accredited as an instructor and an assessor for a grading shoot, it was mandatory to 'shoot R1 000 worth of rounds,' and the view was expressed that 'punching a few holes into a target does not qualify a person to be an instructor'.¹⁸⁹ One respondent remarked that it was necessary to assess security officers once a year, particularly those who handled firearms, but it was highlighted that this should not be done by the PFTC, which only operated for personal gain.¹⁹⁰

The remark was made that the law regarding the handling of firearms had changed, and in the current training environment it was possible to have a firearm training centre that was indoors on the first floor of a building, particularly in the Johannesburg CBD.¹⁹¹ It was stated that this was not adequate training, and that shooting ranges should only be outside, asserting that security officers were negligent in handling firearms because they were not properly trained.¹⁹² He suggested applying the training standards of the South African Police Service (SAPS) firearm training in the private security industry, or come up with a better alternative to indoor shooting ranges.¹⁹³ It was further held that the delegation to PFTC was as a result of a 'knee-jerk' reaction from SAQA and it was maintained that the process should still be controlled by the SAPS, with a fee being paid to the SAPS in order for them to do the accreditation.¹⁹⁴ It was asserted that SAPS did their own training, while SASSETA printed the certificates on their behalf.¹⁹⁵ Another respondent held the view that the reason that firearms training standards and quality assurance was delegated from SASSETA by SAQA was due to the unwillingness to contend with the delays from the former, and as a re-

182 Supra, note 98.

183 Ibid.

184 Ibid.

185 Supra, note 33.

186 Ibid.

187 Ibid.

188 Ibid.

189 Ibid.

190 Supra, note 95.

191 Supra, note 99.

192 Ibid.

193 Ibid.

194 Supra, note 98.

195 Ibid.

sult a professional body was established.¹⁹⁶ One training manager made the assertion that SASSETA can regulate private citizens, but the SETA should leave the private security industry alone, adding that they pay millions in skills levies, and all SASSETA did was 'pass the buck to the PFTC,' suggesting that PSiRA should regulate firearms through the services of a subject-matter expert.¹⁹⁷ This points to the need for more robust debate about firearm training in the industry and its regulation.

7.4.SASSETA'S EFFICACY

SASSETA had been placed under administration due to its poor performance, irregularities identified, and non-compliance with the Skills Development Act and other legislation. It was also established that the submitted Annual Performance Plans (APPs) were not necessarily compliant with National Treasury requirements.¹⁹⁸ In addition, the Skills Plan that was submitted, had to be reviewed, and this indicated the need for an extensive overhaul of the APP, since there was quite a lot in the Skills Plan that did not actually speak directly to the security sector.¹⁹⁹

The Department of Higher Education and Training (DHET) also highlighted some of the reasons for placing SASSETA under administration, namely that, despite investigations and subsequent dismissals of certain officials, the problems recurred the following year as highlighted in a qualified audit with repeat findings.²⁰⁰ The Minister of Higher Education had asked the Board to present a turnaround strategy and to explain issues of irregularity regarding the employer grant and project expenditure, the issue of procurement and contract management, the financial performance and the weak functioning of the audit committee, as well as lack of poor controls within SASSETA and fraud regarding the discretionary grant.²⁰¹ When the Board failed to come up with a turnaround strategy, the Minister was left with no other option but to place SASSETA under administration, which was done in February 2015.²⁰²

The view was expressed that there was a plethora of people who were training with PSiRA and through the SASSETA with no knowledge of the industry, although SASSETA always verified with PSiRA if a company or individual was registered with PSiRA.²⁰³ The example was made of a company providing catering as well as training in different fields, which had never worked in the private security industry or the security environment. It was acknowledged that SASSETA contributed to the problem of training people who had little chance of being employed and that it was more about making a profit.²⁰⁴

It was stated that there was a misunderstanding that an assessor and instructor played the same role, which was not the case, and it was highlighted that an instructor had a minimum of ten days of training while an assessor typically only took two and a half days to assess.²⁰⁵ It was lamented that there were no

196 Supra, note 42.

197 Supra, note 63.

198 Parliamentary Monitoring Group website. Available at <https://pmg.org.za/committee-meeting/20751/> (accessed 14 March 2016).

199 Ibid.

200 Ibid.

201 Ibid.

202 Ibid.

203 Supra, note 98.

204 Ibid.

205 Supra, note 95.

competent persons to train instructors and that every second person was an assessor. The point was made that as a result SASSETA might as well be closed down.²⁰⁶

It was highlighted that the moderator's role was questionable in terms of assuring the quality of learning, based on the fact that the moderator was only expected to 'moderate' 10 per cent of all the courses done at the training centre he or she was visiting, stating that this was a non-effective way of determining if the learners had acquired knowledge.²⁰⁷ It was noted that the moderator had no way of communicating with the learners and only visited training centres to moderate after the training had been completed, and it was conceded that it was easy in this way to 'cheat the system'.²⁰⁸ It was underscored that 'a central training centre was the only way to sell knowledge instead of selling certificates'.²⁰⁹

The concession was made that SASSETA funding had changed since it was placed under administration. There were currently 50 million people undergoing training, which was only a benefit to companies, and there was no clarity about the quality of the trainees, particularly if they got jobs after their training.²¹⁰ It was noted that in theory SASSETA training was supposed to be better, as it was subsumed under the NQF; however, the concession was made that SASSETA was equally as outdated as PSiRA in terms of training.²¹¹

It was lamented that there was no effective database at SASSETA and learners had no access to their records at the SETA, nor was there a way to track the performance of a training centre for the learner.²¹² It was stated that SASSETA should be able to monitor the training centres they have accredited in order to verify their performance, but this did not happen.²¹³

It was underscored that no-one could register to provide private security services if they were not trained and there was a need for joint accreditation and joint quality assurance, and that the Executive Council of PSiRA had been informally engaged regarding the implications of uplifting the moratorium from a regulatory perspective.²¹⁴ The example was made of expediting the signing of the MoU, which if it had not been formalised in 2014, there would still be the perception that the partnership with SASSETA was still administratively sound.²¹⁵ However, because of the MoU being signed, the administrative challenges were revealed, which was necessary in order to start a strategic review of the best way to mitigate these challenges.²¹⁶

It was stated that SASSETA was implementing the QCTO function of quality assurance, which is deemed more practical for the NQF approach, while conceding that what needed to happen was to understand the nature of the environment.²¹⁷ A critical example is that most security personnel operating in the private security industry do not have a matric qualification and the only formal training they had was 'grades'

206 Ibid.

207 Supra, note 97.

208 Ibid.

209 Ibid.

210 Ibid.

211 Ibid.

212 Supra, note 97.

213 Ibid.

214 Supra, note 86.

215 Ibid.

216 Ibid.

217 Ibid.

training; acknowledging that moving these individuals to the NQF qualifications presents a challenge in terms of progressive upliftment.²¹⁸

The view was expressed that 'it was not pragmatic to put someone who had never been exposed to a formal education in an environment where they were expected to be competent in markedly higher quality learning material'.²¹⁹ It was emphasized that the most important thing was to first assess our environment and stakeholders, and particularly security officers; some of whom did not know how to write, while others completed their grade D and E through the use of an interpreter.²²⁰ Affirming that while there was the prospect for persons in the industry to attain a national qualification, it would be inconsistent without a basic learning aptitude.²²¹ Similar logic seems to have been the catalyst for the introduction of learnerships, which is a structured training programme that combines theoretical learning provided by an accredited training institution with practical work experience gained with an employer -- the experience is designed to enable learners to achieve a national qualification.²²² The awarding of the qualification is both theoretically and practically based, although the learnership is not a qualification, but a learning route towards achieving a nationally recognised qualification.²²³ Learnerships are based on legally binding agreements between the employer, learner and the training provider and form the cornerstone of the National Skills Development Strategy (NSDS), which sees vigorous skills training through learnerships as the central tool for addressing the current skills deficit in South Africa.²²⁴

During the field work, it was highlighted that some of the learnerships done by prospective security officers would end in them dropping out of the learnership in pursuit of a better salary.²²⁵ One respondent noted that there were various roles for learnerships, including but not limited to, a patrolling officer, asset control and access control.²²⁶ The learnership, it was noted, was like an apprenticeship where the trainee was deployed with another security guard.²²⁷ The duration was spread out over twelve months and a stipend was provided to the trainee, while the private security company became eligible for tax rebates due to the contribution in 'up-skilling' the individual.²²⁸ Some PSCs were known to over-deploy security officers at some sites, which created the perception of more security for the client, when in actual fact some were simply trainees.²²⁹

Two managers highlighted that they wrote the first security learnership when SASSETA was still POLSEC, trained security officers from the industry and had them rolled out as part of POLSEC's orders.²³⁰ The assertion was made that the PSC received tax rebates from SASSETA for doing learnerships, and stated that in the past the money would go to SAPS because they were exempt; however, this was no longer the

218 Ibid.

219 Ibid.

220 Ibid.

221 Ibid.

222 SASSETA Learning Programmes Guide, p 3. Available at: http://www.sasseta.org.za/content/tiny_mce/plugins/openfile/uploads/Learning%20Guide%20Book_CD.PDF (accessed 22 February 2016).

223 Ibid.

224 Ibid.

225 Supra, note 63.

226 Ibid.

227 Ibid.

228 Ibid.

229 Ibid.

230 Supra, note 76.

case.²³¹ It was affirmed that SASSETA gave discretionary grants and that it was 'easy to sign contracts with milestones and train thousands of people'; the PSC had already trained 3 500 people, and was owed R3.5 million from SASSETA but the latter kept changing the reasons as to why they had not yet been paid.²³²

It was underscored that the PSC had given 3 500 books and summative assessments to the learners, meals were provided and the course was finished on time, but there were many excuses made as to why the payment was delayed.²³³ It was lamented that this resulted in the loss of huge amounts of money from SARS for the tax rebates, and the view was expressed that SASSETA's grant system was not working properly.²³⁴ The remark was made that PSiRA needed to take ownership and protect the industry. It was noted that most funds were given to SAPS and the Department of Correctional Services, although the private security industry contributed significantly to safety and security and that there was a need for PSiRA to advocate for the proper channelling of the funds.²³⁵

It is imperative for PSiRA and SASSETA to develop a better working relationship. Learnerships fall under Sectoral Determination 5, not 6 like for those working in the private security industry, which creates a vacuum in terms of regulation, as PSCs are able to circumvent the law.²³⁶ This entails the enrolment of unemployed individuals for learnerships, which means the PSC is entitled to funding from SASSETA, while at the same time the PSC charges the client for additional security officers. In this instance, it is unlikely that the client is aware that the security officer is merely a learner.

It was noted that fraud would continue until a better regulatory approach was initiated, as some training centres sought to attract business at all costs.²³⁷ A remark from an inspector noted that during an inspection at a training centre, after requesting all the exam scripts written for a period of a month, it was identified that all the exam scripts were written in the same hand writing.²³⁸ It was lamented that PSiRA only received national test results and there was no real evidence and no way to ascertain that the training had taken place.²³⁹ It was noted that it was common for owners/managers of non-compliant training centres, when found to be non-compliant, to pay a fine, which is basically an admission of guilt, and continue to approach the training of security officers with the same non-compliant processes.²⁴⁰

231 Ibid.

232 Ibid.

233 Ibid.

234 Ibid.

235 Ibid.

236 Supra, note 95.

237 Ibid.

238 Ibid.

239 Ibid.

240 Ibid.

8. Private security and the National Qualifications Framework

The scope and nature of training is undergoing a transition and this process endeavours to instill higher and more specialised standards of training for members of the private security industry. In the past MoUs were drafted and circulated among members of the industry to indicate the change of responsibility with regard to the accreditation of training centres. It can be deduced that for the most part these MoUs (one in 2005 and another in 2008) were poorly worded, lacked clarity and evidenced little or no foresight regarding the shortcomings that pertain to the training of security service providers.

This particularly refers to the initial intention set out in the May 2007 moratorium and subsequent MoUs to abrogate the quality assurance function from PSiRA to SASSETA. The challenge that such a proposition poses, is the risk of a proliferation of illegal training centres as a result of ceasing to control the growth of an industry driven by demand to provide training in private security. This is a central element of the PSIR Act, namely to regulate the private security industry in the interests of the state, consumers and the private security industry itself. Additionally, the compromise presented by SASSETA, which is inundated with its own administrative and capacity challenges, hence the delegation of such a key component of ensuring quality in training centres seems disconcerting.

The assertion was made that the private security industry had dramatically changed since 1994 and that the regime had not adapted to the changes sufficiently, with specific reference to both PSiRA and SASSETA.²⁴¹ It was stated that there was a contradiction in the way PSCs recruited security officers, which, it was stated, was based on an upcoming tender.²⁴² The PSC then needed to deploy as soon as they secured the tender, which affected the quality of the training in terms of the short window that was made available for the training of the security officers.²⁴³

It was stated that the biggest obstacle with regard to the transition to skills programmes was the high cost associated with skills programmes and the extended duration of the material - people who had done skills programmes commented that they were too long and too expensive.²⁴⁴ Other views expressed revealed that the material was not user-friendly and more importantly, not aligned to the nature of the environment.²⁴⁵

It was emphasized that the NQF material did not accommodate this practical aspect and that certain industry role players that participated in the development of the material were motivated by the opportunity to advance themselves and their PSCs.²⁴⁶ It was asserted that there was a need for experts to be present on

241 Supra, note 98.

242 Ibid.

243 Ibid.

244 Supra, note 86.

245 Ibid.

246 Ibid.

a regular basis to inculcate a neutral element of the training in order to ensure that, interests of the private security industry are accommodated and not just those of select interested parties.²⁴⁷

It was asserted that, although SASSETA learning material was of a higher quality, the cost and duration was significantly more and that what was needed was to find a middle ground.²⁴⁸ It was further stated that the black directors of a PSC complained about the use of the old South African flag in the old learning material from PSiRA.²⁴⁹ The view was expressed that the unit standards had better quality content, but the duration was what made people in the industry view them with a huge amount of trepidation.²⁵⁰ The question was raised as to what a learner received after PSiRA grades, registration and subsequent regulation, and the view was expressed that the old approach to training, where an instructor was present, placed the priority on the learner, while after 1994 there was a move to facilitate learning.²⁵¹ It was remarked that the SASSETA approach was better, but only if it was implemented properly, and that this was also dependent on SASSETA having the requisite experience to implement the new ideas.²⁵²

Furthermore, it was noted that SAQA used Standard Generating Bodies (SGBs) to develop the qualifications, and that PSiRA was involved as part of six different stakeholders that made up a critical interest group.²⁵³ Since 2009, the SGBs have fallen away and been replaced by the QCTO. The initial SGBs only developed core and electives which were presented as a choice; later SAQA added fundamentals to the learning material.²⁵⁴ It was stated that the qualifications and unit standards were registered for three years and were still relevant as part of continuous development and particularly important in the upgrading of skills in the electronic security sector.²⁵⁵ PSiRA developed skills programmes in 2008 as draft regulations, which were published in 2009 and stalled by the then new Council.²⁵⁶

The main challenges that may hinder the assimilation of security service providers accustomed to the 'ease' of PSiRA grades as opposed to the more complex national qualifications from SASSETA skills programmes, include, but are not limited to, time and financial constraints. During the field work, respondents were prompted to give their thoughts regarding the proposed transition from PSiRA grades to NQF skills programmes. The former are referred to above and legislated in accordance with the Training of Security Officers Regulations 1992, while the latter comprised of more detailed programmes designed to cater for persons intending to acquire competencies to work in various security environments.

247 Ibid.

248 Supra, note 76.

249 Ibid.

250 Supra, note 95.

251 Supra, note 33.

252 Ibid.

253 Supra, note 42.

254 Ibid.

255 Ibid.

256 Ibid.

It was noted that different categories existed and it was necessary to ensure that in the process of change, each category was appropriately aligned, for example training on guarding must be aligned to its specific environment.²⁵⁷ It was conceded that this alignment was neglected in terms of ensuring that training was sector specific. The example was made of the current requirements for someone who eventually intends to do installations but first has to complete training on guarding.²⁵⁸ The view was expressed that there should rather be a foundation course for all prospective entrants for the private security.²⁵⁹

The view was held that the skills programmes were so intense and after completing these qualifications, the person would only receive the qualification converted to a 'grade E,' which did not make sense.²⁶⁰ It was emphasised that the aim should not be to make things too easy nor too difficult, with the similarities being drawn with apprenticeships in the engineering sector for people that could not obtain the degree.²⁶¹

The view was expressed that there were no set standards and that PSiRA standards were too low and out-dated, while SASSETA's were too expensive, time consuming and difficult.²⁶² It was averred that PSiRA's standards presented a good stepping-stone, but that still more was needed and that PSiRA should just have maintained the regulation of the training standards in the industry.²⁶³ Another training manager expressed the view that the transition was the right move, but stated that it was unclear if it was effective, and emphasized doubt if PSiRA or SASSETA had the manpower to monitor the transition.²⁶⁴ He highlighted that good training contributed to the safeguarding of national assets and therefore the transition had to be very strict for the entire country.²⁶⁵

He stated that his PSC had not yet started with the transition of their security officers, with the exception of some unit standards and not skills programmes, specifically for NKPs and fire detection.²⁶⁶ It was noted that this was due to the fact that the PSC rendered services to all seven airports in the country and was satisfied with their training standards.²⁶⁷ He stated that this was because more time was spent in class and there was more of a focus on theory, which was a priority, as well as a sufficient balance of the practical element of training.²⁶⁸ It was stated that the training was done internally, was not expensive and was free for all security officers, as the cost thereof was not deducted from their salaries, and that the PSC had SASSETA-accredited assessors and moderators to conduct in-house training.²⁶⁹ He emphasized that more communication on the transition was needed from PSiRA.²⁷⁰

257 Supra, note 86.

258 Ibid.

259 Ibid.

260 Ibid.

261 Ibid.

262 Ibid.

263 Supra, note 63.

264 Supra, note 99.

265 Ibid.

266 Ibid.

267 Ibid.

268 Ibid.

269 Ibid.

270 Ibid.

One training manager highlighted the fact that some PSCs just offered self-study for a prospective security officer, with, for example, a 'grade D' qualification, and thereafter the individual would be deployed on site.²⁷¹ He lamented the lack of inspections of training centres and raised the question of what exactly it was that inspectors achieved after conducting inspections and what their impact was.²⁷² He stated that they should either provide a timeframe for the transgression to be rectified or de-register the training centre, which would have to re-register all over again.²⁷³ He held the view that PSIRA's minimum criteria was favoured by the regular 'joe soap' on the street, and that this did not differ for big PSCs that complied with the minimum standards.²⁷⁴

8.1. THE COST OF BETTER TRAINING

Sectoral Determination 6 is the specific legislation that governs the private security industry in South Africa. The determination sets minimum wages, working hours, number of leave days and termination rules.²⁷⁵ Sectoral Determination 6 applies to all employers and private security providers who are associated with guarding and protecting fixed property, premises, goods, people or workers.²⁷⁶ This includes those monitoring and responding to alarms. The determination does not apply to security personnel who are managers or covered by another sectoral determination or bargaining council agreement.²⁷⁷ The Basic Conditions of Employment Act applies in respect of any matter not covered by this sectoral determination.²⁷⁸

'Who would pick up the bill?' was a common response to the question regarding what industry players thought about better remuneration for security personnel that were better trained in line with the NQF training standards. It was noted that this would lead to losing clients and the question was raised as to whether there would be a government subsidy for this, stating that in an ideal world it may be feasible, but that they should be categorised correctly before they can demand more or qualify for more.²⁷⁹ He stated that skills programmes 1, 2 and 3 and unit standards including firearms all fell under SASSETA and the private security industry was independent and anarchic and that it was inevitable that some in the industry would opt for SASSETA training.²⁸⁰

The view was held that if a person has a better qualification, he/she should be on a higher level in terms of remuneration and that this would promote the idea of life-long learning.²⁸¹ The only challenge was the high turnover experienced in the private security industry, which was particularly demonstrated in the aspiration to move from different provinces and into Gauteng.²⁸² It was highlighted that this would not be the only industry where the minimum wage would be the maximum wage, which was related to the view held

271 Ibid.

272 Ibid.

273 Ibid.

274 Ibid.

275 Department of Labour website. Available at: <http://www.labour.gov.za/DOL/legislation/sectoral-determinations/sectoral-determination-6-private-security-sector> (accessed 15 February 2016).

276 Ibid.

277 Ibid.

278 Ibid.

279 Supra, note 63.

280 Ibid.

281 Supra, note 33.

282 Ibid.

that private security was symbolic of a grudge purchase and consumers just wanted the cheapest price.²⁸³ It was underscored that this approach was more prevalent in the context of security being provided for homes rather than businesses.²⁸⁴

It was stated that the priority should be on developing a professional industry and not on the cost of new training; while it was remarked that when the grades were initiated, they cost between R150 to R200 for each course per week and the prices of these still remained the same.²⁸⁵ It was asserted that it was impossible for the skills programmes to cost the same as the grades, owing to the higher quality.²⁸⁶ The view was expressed that competition and the dynamics of supply and demand would eventually drive down the price of the skills programmes.²⁸⁷

8.2.SASSETA LEARNERSHIPS

It was noted that when SASSETA trained a person through learnerships, the NQF's theoretical requirements were clear, but with regard to the practical element of training, there was a need for clarification as to whether a person could be provisionally registered with PSiRA.²⁸⁸ It was stated that larger and more prominent PSCs trained their own security officers and it was often the case that the training quality was determined by the client.²⁸⁹ It was noted that PSiRA legislation is in a polar opposite position when looked at within the context of SASSETA learnerships. PSiRA does not allow an individual to learn or train towards security knowledge at a workplace because of the legal requirement to be first registered with the Authority.²⁹⁰ Conversely, SAQA and the QCTO promote on-the-job learning, which presents an administrative challenge and a vacuum that may be exploited by some in the private security industry.²⁹¹

The concession was made that the ten notional hours required for the training were not cast in stone and that the training was outcome-based, meaning that if a person showed competency, they would pass and that this was also based on the learner's pace.²⁹² It was noted that after the learner/trainee has completed the skills programme, SASSETA would issue the learner achievement to PSiRA, after which PSiRA would register the person based on his/her appropriate training.²⁹³ It was conceded that this was currently not happening due to the fact that there was no legislative obligation to train according to the skills programmes.²⁹⁴ Shortcomings in the skills programmes were identified, for example, the lack of a bomb detection programme in the new standards. It was further noted that training for narcotics detection fell under dogs, which still remained as DH1 to DH5 training.²⁹⁵

283 Supra, note 42.

284 Ibid.

285 Ibid.

286 Ibid.

287 Ibid.

288 Supra, note 98.

289 Ibid.

290 Supra, note 42.

291 Ibid.

292 Ibid.

293 Ibid.

294 Ibid.

295 Ibid.

Regarding the exploitation of PSCs deploying learners to sites, there should be an obligation to reveal to the client if the person deployed was a learner and this should be included in the contracts and the fee reduced, as they already received a stipend from SASSETA.²⁹⁶ It was further noted that some PSCs used learnerships to improve their BEE status, which presented an opportunity for transformation of the industry and for SETAs to have an impact in this regard.²⁹⁷

296 Ibid.

297 Supra, note 98.

9. A sound training resolution

It was asserted that PSiRA's mandate required the Authority to develop training standards and monitor them, as this is what a professional body must do and that this was a core aspect of PSiRA's functions and not something that could be delegated.²⁹⁸ Further, it was underscored that PSiRA becoming the professional body was just an added bonus, because developing training standards was already part of its mandate.²⁹⁹ PSiRA had completed 98% of the application to become the industry's professional body, and as a result training would be used as an empowering tool.³⁰⁰

Respondents were asked to express their perceptions of what would be necessary to achieve a sound training regime, which would be critical for the credibility of the private security industry, particularly in areas and sectors where training standards were decrepit due to unscrupulous training providers. A respondent from one of the largest PSCs in the country highlighted that professionalism and credibility of the company's security personnel was dependent on the internal checks that were implemented after a security officer was recruited.³⁰¹ It was stated that evaluation was conducted on a regular basis, and assessments were carried out for shooting, safety, ammunition and firearms.³⁰²

He stated that the PSC put safety first due to past injuries on duty and valued optimally trained personnel, owing to the high level contracts to provide aviation security training for security officers.³⁰³ It was emphasised that the Civil Aviation Authority regulates aviation security and that its system was fully automated.³⁰⁴ The PSC designed its own material, based on the site file, site instructors and the job role at the site, and it was highlighted that generics were often utilised.³⁰⁵ He stated that the in-house training material was a combination of the old PSiRA grades and the new SASSETA skills programmes with a keen consideration of what is supposed to happen at the site.³⁰⁶

It was asserted that PSiRA was fully aware that it shared the responsibility of assessing itself, as it pertains to the approach to training which was a critical aspect of fulfilling PSiRA's mandate.³⁰⁷ Training was not something that could be delegated to an external body or agency, which revealed the lack of a thorough introspection of the challenges and advantages as they relate to the training environment within the private security industry.³⁰⁸ Conversely, it was underscored that PSiRA held unrealistic timeframes for the

298 Supra, note 86.

299 Ibid.

300 Ibid.

301 Supra, note 63.

302 Ibid.

303 Ibid.

304 Ibid.

305 Ibid.

306 Ibid.

307 Supra, note 86.

308 Ibid.

transition to NQF skills programmes, and that there was a huge amount that first needed to be addressed, thus expressing the view that PSiRA should not try to become involved as a quality assurance body.³⁰⁹ The point was made that there were practical issues that, if rushed, would end up in court and the example was made of a PSC that operated 'from contract to contract,' emphasising that PSCs needed to recruit people that were already trained or train people faster.³¹⁰

However, the view was held that it was indeed a good thing that training standards would be standardised and the strict monitoring ability of SASSETA was lauded, as opposed to PSiRA, which only carried out one inspection, while the former had been there more regularly.³¹¹ One PSC was satisfied with SASSETA's approach to the accreditation of training centres, which was emphasised as very strict - the example was made that if one out of the 15 criteria required by SASSETA was not met, the accreditation could not take place.³¹² The respondent stated that he had never been present when PSiRA was accrediting a training centre, but acknowledged that PSiRA's moratorium to register any more training centres was effective in stemming the challenge of the sale of fake training certificates.³¹³ A specific point was made that in particular the retail programme offered both by PSiRA and SASSETA was not sufficiently tailored to the retail industry.³¹⁴ It was stated that this also applied to loss control, shoplifting, CIT, retail and bank security, with regard to the latter it was noted that PSiRA bank security manuals were not relevant.³¹⁵ The view was held that a programme on mall security was critical and lacking, as well as one that gave prescriptions on boom-gates. PSiRA, it was noted, should step in and state what security officers could legally do in that context.³¹⁶ Attention was drawn to the value of assessors and moderators that were there to show the recruits what the impact of their training and jobs would bring to the country and help to broaden their minds.³¹⁷ It was averred that training went hand-in-hand with motivation, which was critical in the private security industry that was perceived as a 'last career option.'³¹⁸

The question was posed that if both PSiRA and SASSETA could not effectively manage grades training, how would they manage what was envisioned to be a more detailed training regimen, with emphasis on not rushing this process.³¹⁹ The aim of a slower approach, it was noted, was to ensure that skills programmes' practicalities were ironed out, of which PSiRA was underestimating the duration.³²⁰ It was deemed necessary to determine how to conduct skills programmes for a shorter period, at least for certain modules, as part of understanding that their cost and duration were unsustainable.³²¹

It was noted that stakeholders in the private security industry should be involved in developing training standards, especially the members of the industry who had sufficient experience and knew what was

309 Ibid.
310 Supra, note 98.
311 Supra, note 99.
312 Ibid.
313 Ibid.
314 Supra, note 76.
315 Ibid.
316 Ibid.
317 Supra, note 99.
318 Ibid.
319 Supra, note 98.
320 Ibid.
321 Ibid.

expected.³²² Mr Makoti lauded SASSETA for nominating and consulting different members of the private security industry to develop NKP standards that, according to him, were very accurate and appropriate.³²³ He averred that SAPS had to come on board, as it was best suited to assist in the correct procedures for arresting a suspect and that this knowledge would help security officers who had to face similar circumstances.³²⁴ He also noted the useful role the Department of Justice could play in informing security officers on how to handle themselves in a courtroom. He recalled an instance where a security officer could not give a correct statement in court, as he was under duress, even though he had arrested someone with stolen goods.³²⁵

Some respondents stated that they would prefer PSiRA to take full control of the training environment, and not SASSETA and the point was made that the ETQA must belong to PSiRA; as this would address the corruption in the SETAs.³²⁶ The concession was made that the PSiRA grades were too short, while training under SASSETA for a whole year took too long.³²⁷ It was stated that PSiRA must take control and be able to ensure that SASSETA gives the learner registration numbers, which the latter did not do.³²⁸ This led to an inability to capture all the learners for the South African Revenue Service (SARS) and the Department of Labour in order to secure the employers' tax rebates and affirm their Black Economic Empowerment (BEE) scores.³²⁹

The view was held that there was no control at SASSETA and that PSiRA should step in, highlighting that the board at SASSETA was non-existent and asserting that PSiRA had improved on its speed of delivery, while SASSETA had slowed down.³³⁰ It was stated that this was because the latter lacked capacity.³³¹ It was deemed critical to outline a clear definition of what was needed for the industry, and the suggestion was made that PSiRA should become the Development Quality Partner (DQP) in the QCTO and be the one to determine these needs.³³²

It is critical to develop better mechanisms to regulate the learnerships facilitated by SASSETA, and PSiRA should establish binding obligations on the SETA to have set criteria that must be met for the learnerships, such as the number of hours training had been conducted in order for the inspectors to have something tangible to verify. It was noted that, due to the pervasive fraud at training centres, the training department at PSiRA should undergo basic investigation training to be able to identify fraudulent submissions from training centres. For example, an instructor could only cover one course per week and if there was more than one course, this should be flagged. Also, if a training centre was only accredited for one classroom, but submitted two sets of batches of course reports for one class, this too should be flagged and not processed.

322 Supra, note 99.

323 Ibid.

324 Ibid.

325 Ibid.

326 Supra, note 76.

327 Ibid.

328 Ibid.

329 Ibid.

330 Ibid.

331 Ibid.

332 Ibid.

A sound training regime could not be done by SASSETA alone, and had to be done jointly with PSiRA, thus the question was how it should be structured. It was stated that SASSETA lacked industry knowledge, but PSiRA had knowledge pertaining to the industry, the suggestion was made of pilot projects that could be carried out through SASSETA funding to explore different initiatives.³³³

The role of different stakeholders was identified, including but not limited to SAPS and the Unions. SAPS could assist with incorporation of some of its training standards that are deemed fit for the private security industry and the Unions could help with enhancing the understanding of why learners drop out of learnerships.³³⁴ It was stated that SAQA could also play a more direct role, as SASSETA would currently have to wait one to two years to have course material approved – SASSETA can only accredit people for a course once SAQA has approved the course.³³⁵

The view was expressed that PSiRA's registration as a professional body was part of the manner in which PSiRA was going to improve training standards for members of the private security industry.³³⁶ It was noted that, as part of the new process initiated in December 2015 for the renewal of PSiRA certificates, there was a policy of Continuous Professional Development (CPD) that was pivotal for the environment.³³⁷ This, it was noted, would also benefit a person who had trained for 'grade E' twenty years ago and would be able to acquire a certain number of points, which would stop the private security industry from being stagnant.³³⁸

It was noted that the policy was in place and had been approved by PSiRA's Council and had been integrated into the Strategic Plan.³³⁹ It was stated that the aspiration was to have qualifications that were NQF aligned, as grades were limiting from a developmental point of view.³⁴⁰ It was surmised that instead of a full year of skills programme training, prospective private security personnel should rather undergo a six-week course part-qualification and then undergo an eight-week practical learning component.³⁴¹

The point was made that before the practical learning component, trainees would be entitled to provisional registration at PSiRA, and only after fully completing their training would they be registered.³⁴² It was stated that it was important to review the skills programmes through robust engagement with the private security industry.³⁴³ The application to become a professional body was part of the way in which PSiRA was positioning itself to be able to better engage with the private security industry and better achieve its mandate.³⁴⁴

Furthermore, the view was held that the ultimate goal was to institute a board exam for instructors and members of the professional body, which was important to ensure specialisation for each security category.

333 Supra, note 98.

334 Ibid.

335 Ibid.

336 Supra, note 86.

337 Ibid.

338 Ibid.

339 Ibid.

340 Ibid.

341 Ibid.

342 Ibid.

343 Ibid.

344 Ibid.

ry, affirming that once PSiRA became the professional body, it would assess people entering the private security industry through the board exam.³⁴⁵ The view was held that an amicable timeframe would have to be discussed with members of the private security industry, and the suggestion of recurring board exams every three years was made, followed by the concession that this should initially focus on instructors where a high level of non-compliance existed.³⁴⁶ Furthermore, it was noted that after a two-year period all training providers would undergo re-inspection as part of the aim to deliver continuous assessment of training providers to create quality security service providers.³⁴⁷

It was asserted that the skills programmes were lapping and more notably that they were never promulgated, and the aim was to finally promulgate the skills programmes in April 2016, as the draft had already been completed.³⁴⁸ This meant there would no longer be a choice and it would be mandatory for private security personnel to undergo skills programme training.³⁴⁹ However, it was emphasised that a grace period of 24 to 34 months will be given to enable persons in the private security industry to train according to the new training standards.³⁵⁰ Furthermore, it was stated that in the past PSiRA had deemed training to be part of an administrative process and that this was changing; hence the intention to establish a proper training department.³⁵¹ The findings presented here point to the need for a more vigorous application of PSiRA's mandate to hold training providers accountable and limit criminality from infiltrating the industry. Considering PSiRA's limited financial and human resources, the onus lies with the State to supplement critical elements for the fruition of PSiRA's mandate.

345 Ibid.

346 Ibid.

347 Ibid.

348 Ibid.

349 Ibid.

350 Ibid.

351 Ibid.

10. Conclusion

This research report presented the dynamics of training provision in an effort to ascertain the degree to which this sector contributes to the safety and security of South Africans. Ensuring professionalism and effective control of the private security industry, relies on ensuring the integrity of those responsible for training recruits and potential recruits for the provision of security services. PSiRA plays a central role in defining and promoting high standards for the training of security service providers, which are derived from the definition of a security service and the evident link between a person that provides training for a security service and the actual provision of a security service. The scope and nature of training is undergoing a transition and this process endeavours to instil higher and more specialised standards of training for members of the private security industry. It is anticipated that this will ultimately also alter the approach to regulation, as it specifically relates to the training aspect of the private security industry. Prior to the research being conducted, it was established that there was a lacuna of information relating to the training sector of the private security industry, at least with regard to the specific and detailed accounts of training from the perspective of those who train, those who are trained, and how these persons are held to account and how the process is regulated. This created a vital impetus for research to engender a greater understanding of the training environment, and unpack what strengths and weaknesses characterize this element of the private security industry.

The value of the research is to be found in its ability to create new knowledge to resonate with and inspire lessons for the future of the training sector for the private security industry. The need for more scholarly attention to be directed to this thematic area cannot be overstated. This research report assessed the institutional knowledge of relevant bodies in an effort to understand the gaps and answer the key questions related to the training sector of the South African private security industry. Indeed, the failure, as alluded to in the report, to bring certain infractions as they relate to the quality and credibility of training in the private security industry has allowed too many abusive security service providers to believe that they can operate without fear of punishment. It is critically important to consider some of the findings presented in this report in terms of altering the approach to the regulation of training in the private security industry.

Training standards comprise a central element of the private security industry through their ability to determine the professionalism, or lack thereof, of security service personnel. In order to ensure a private security industry that is well trained and can contribute to safety and security in South Africa, principles such as integrity and accountability of the training sector should be seen as a priority. For that reason, persons engaged in security provision must be adequately trained. This is a key requirement in order to deter crime and contribute to a safer environment for economic development. Ensuring better standards of training and better trained recruits is critical, owing to the increased role that the private security industry plays in providing security for South African citizens.

The aim is to leave an improved training legacy as part of the processes underway to enhance training within the private security industry. This means ensuring that security personnel have nationally recog-

nised NQF qualifications.³⁵² Fundamentally, the aim is to develop a private security industry that consists of professionals who are trained and conduct themselves as professionals.³⁵³ PSiRA seeks to support SASSETA by enforcing compliance, as part of creating a regulatory environment that does justice to the private security industry and also addresses the issue of cost for an entry-level industry.³⁵⁴ The issues of cost and time need to be addressed to avoid crippling businesses and in future have an industry that takes pride in itself, knowing that it has been trained by the best.³⁵⁵ A sound training regime is feasible, with PSiRA acting as a steward. This will, however, be dependent on the kind of resources directed at addressing significant drawbacks that exist in the training environment of the South African private security industry.

352 Ibid.

353 Ibid.

354 Ibid.

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