



Monograph

Exploring the utilization and the consequences of
engaging with non-compliant security providers in the
security sector

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Executive summary

This study analysed the private security companies' (PSCs) compliance to the private security industry (PSI) regulatory framework or the lack thereof, in the province of Gauteng, South Africa. The overarching rationale for the is to test the industry's progress in professionalisation. The study focused on examining whether the PSCs register with the Private Security Industry Regulatory Authority (PSIRA) and complies with other requirements as stipulated in the Private Security Industry Regulatory Act.

PSIRA is well positioned to effect control over the PSI. The question remains whether the Regulator is succeeding in its mandate to effect control over the security industry. The image of the PSI is not one seen in a positive light by the society. It is, therefore, incumbent of the Regulator to professionalise the PSI so that it gains legitimacy and approval.

The researcher embarked on a process of investigating whether the PSC meets requisite or operating a security business by registering with PSIRA. The researcher followed a qualitative research approach to answer the research question whether PSCs are compliant or non-compliant. In line with qualitative approach, the research opted for the phenomenological methodological framework, which sought to obtain participants' lived experience. The rationale for selecting this methodology to study this phenomenon was to decipher as much data, experience, knowledge and lived experience from the participants.

The data was collected through research interviews with PSI experts and actors and other documentary sources such as PSIRA policies were also visited. In-depth semi-structured interviews were used to collect data from the research participants. The participants were carefully selected based on their experience and knowledge. Based on the participants responses, PSCs exist because of high demand of their service made available by the void created by failing police service to provide protection to the citizenry. Although their motive is mostly making profit, for some security businesspeople, it is a calling, and some want to make a difference to stop crime.

The researcher recommended an increase the capacity of PSIRA's inspectorate. This should include the number of inspectors and the budget thereof. The administrative component of the Regulator should also be increased to complement the bigger inspectorate component. It is further recommended that the PSCs should join employer unions. Apart from benefitting from being represented by their unions, the PSCs benefit in earning credibility and legitimacy. Employer unions encourage their members to comply with the regulatory and labour related legislations.

Acronyms

DOL:	Department of Labour
GDP:	Gross Domestic Product
NDP:	National Development Plan
PSC:	Private Security Company
PSI:	Private Security Industry
PSIRA:	Private Security Industry Regulatory Authority
PSSPF:	Private Security Sector Provident Fund
RSA:	Republic of South Africa
SADC:	Southern African Development Community
SANDF:	South African National Defence Force
SAPS:	South African Police Service
SASA:	Security Association of South Africa
SASSETA:	Safety and Security Sector Education and Training Authority
SSA:	State Security Agency

CHAPTER 1

INTRODUCTION

1.1 Introduction and background

Private Security Industry Regulatory Authority (PSiRA) is a regulator responsible for private security industry and exercise effective control over the practice of the occupation of security service provider in the public and national interest and in the interest of private security industry. The strategic direction of PSiRA originates from the legislative mandate as outlined under the PSiRA Act, 2001. The primary objective of the Authority is to regulate the private security industry and to exercise effective control over the practice of the occupation of security service providers in the public and national interest and the interest of the private security industry itself (PSiRA Annual Report, 2021/22).

With response to the PSiRA strategic objective of promoting high standards of training of security providers and prospective security service providers, accredited security training centres were monitored through different types of audits. These audits included classroom capacity, adherence to the occupational Health and Safety Act, accreditation, and course content. Another area of concern that was highlighted in the Ministry of Safety and Security and Independent Complaints Directorate is that the conditions of service of workers in the industry that leave much to be desired (PSiRA Annual Report, 2021/22).

Moreover, there are high number of unregistered and illegitimate security companies operating in the private security industry. They are competing on the same market with registered security companies, and they are well represented, they mostly offer more services with a discount. Security Association of South Africa (SASA) has issued a warning to businesses that might be signing agreements with security firms who aren't compliant. The SASA has urged these organizations to do rigorous background checks on security services providers before appointing them. SASA further plead with employers to make sure they are not unintentionally supporting unethical, unlawful behaviour, and exploitation of employees.

During 2020/21 financial year PSiRA reported about the study which investigated reasons behind continuous increase in improper conduct by Security Service Providers over the years. They report suggested that punitive measures were taken against those SSP found guilty of contravening the Code of Conduct, however, non-compliance in the industry persisted. On 2021/22 financial year PSiRA also reported 44 operations that were conducted with stakeholders which resulted in the arrest of 825 security personnel, 462 of them were unregistered, 198 were undocumented foreign nationals deployed as security officers and 15 were because of non-compliance with the Firearms Control Act.

Due to the high number of private security companies competing for clients SASA is concerned about most companies operating illegally. Unregistered security companies provide cheap but substandard services, thereby tarnishing the image and reputation of the industry. As early as 2005/6 - 2007/8 PSiRA was conducting inspections on existing security service providers and discovered that most companies were engaging on underpayment of employees, employment of untrained and unregistered security officers and employment of foreign nationals (Penxa, 2019).

The Security Association of South Africa has warned that cheaply priced fly-by-night security companies have become a growing problem nationally as dubious private security service providers seek to make a quick buck out of the high crime rate in the country. Security Association of South Africa (SASA) KZN chairman Gary Tintinger the association received calls daily about non-compliant companies that were reported to the Private Security Industry

Regulatory Authority for legal action. “While reliable numbers and stats are not available it is a growing problem. Many fly-by-night Security companies who have identified the security industry as a quick and easy way to make to make money in a crime-ridden country deliberately ignore the PSIRA Act.

SASA chairman further argued that these non-compliant companies save on costs by using untrained, unscreened, and unregistered individuals as security officers, who often are also undocumented foreigners desperate for work. Tintinger said operators could easily provide homeowners with the lowest quote and undercut compliant companies in the tendering process because they did not comply with the law, paid minimum wages, and did not spend money on training. Tintinger, warned homeowners to be vigilant when hiring a security company to avoid the pitfalls of using illegal operators.

Kole (2017, 58) contends that the level of crime in South Africa is out of control and the South African Police Service (SAPS) is inadequately equipped to deal with it. The number of registered Private Security Companies (PSCs) in South Africa is estimated to be over 10 380 and over 2.5 million security guards as of July 2023 in a population more than 61 million. This overburden the regulatory authority, which is poorly capacitated to deal with the ever-growing PSI. If the industry is left unchecked, unregulated, and uncontrolled, it could not only pose a threat to its clientele, but also to national security.

The size of the Private Security Industry (PSI) and the poorly capacitated regulatory authority create a vacuum for non-compliance where some PSCs operate outside the regulatory framework without registration/licencing as private security service providers or operating with expired licences. These types of PSCs are known as ‘fly-by-night’ (Kole, 2017: 54).

Berg and Howell (2017: 05) highlight that the PSI in South Africa is relatively well regulated. However, according to Kole (2017: 58), PSIRA is not efficiently capacitated to carry out adequate oversight and monitoring. The failure of the regulatory authority to enforce compliance leads to the exploitations of the security officers. It could also put a PSC at risk of incurring sanctions that could potentially lead to the business to close. Most importantly, it could place consumers at risk of relying on the protection of poorly trained and ill-capacitated security officers (Admin, 2018, np).

Illegal practice of non-complaint SSP undermines the authority of PSiRA as accounting authority of private security and its strategic objective of promoting high standards of training of security providers and prospective security service providers, accreditation of security training centres where monitoring is done through different types of audits. These audits included classroom capacity, adherence to the occupational Health and Safety Act, accreditation, and course content. This practice also undermines SASSETA’S skills development effort and tarnishes the image of private security industry. This risk the lives of clients they are serving since they mostly use “security officers” who are trained outside the standards of accreditation approved by PSiRA nor SASSETA.

1.2 Problem statement

Most studies shows that there is high level of non-compliance in the security industry by private security service providers, leading to compromising public safety, industry exploitation of security officers’ basic conditions of employment, and a total undermining the efforts of skills development act.

The private security industry has always been under threat from non-compliant and fly-by-night security companies who attempt to avoid statutory costs and engaging on exploitation the labour

force. All these exploitation factors lead to serious employee dissatisfaction, which reduces the level of security awareness and dedication, and ultimately disadvantages consumers.

1.3 The aim of the study

Gray (2018: 56) asserts that research aims are the general statement of intent and the direction of research. It is the purpose of the research. Contrasted with the research aim, which is a general statement, Gray (ibid) maintains that the research objectives are clear statements of the intended outcome, which can be measured.

The main aim of the study was to explore the consequences of utilizing non-complaint security service providers in the security sector. The study will further analyse the extent of non-compliance of private security companies with the regulatory framework as per the Private Security Industry Regulation Act 56 of 2001 in South Africa.

1.4 Research objectives

The study sought to explore the consequences of utilizing non-complaint security service providers in the private security sector. Hence, the study rested upon the following objectives, namely:

- (a) To understand statutory requirements of operational security service providers.
- (b) To investigate the level of non-compliance in the private security industry.
- (c) To understand ramifications of non-compliance on skills development in the safety and security sector.
- (d) To analyse PSiRA's ability to deal with non-compliance.

1.5 Research questions

- (i). What are the statutory requirements of operational security service providers?
- (ii). What is the magnitude of non-compliance in the private security industry?
- (iii). How non-compliance affects skills development in the safety and security sector?
- (iv). Is PSiRA adequately capacitated to deal with non-compliance?

1.6 Significant of the study

The current study highlights the magnitude of non-compliance by private security companies in the industry and the capacity of the regulator to deal with non-compliance. The study provides a comprehensive discussion and analysis on the implications of the conduct on both the security service providers and the clients. This study further point out areas of improvements in the form of recommendations for all stakeholders involved to ensure compliance and encourage safety practice by service providers and consumers.

1.7 Structure of the study

The report is ordered as follows: Chapter 1 gives introduction and background of the study. Chapter 2 discusses relevant literature. Chapter 3 present the evaluation approach and methodology adopted. Chapter 4 present and discuss the findings. Chapter 5 concludes.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The White Paper on Safety and Security adopted by Cabinet in 2016, the policy seeks to promote an integrated approach to safety and security, and facilitate the objectives outlined in the National Development Plan (NDP) in terms of building safer communities in South Africa.

Hence this section presents literature review on the issue of non-complaint security service providers in South Africa, the potential safety risks and PSiRA's response to the illegal practices by non-compliance private security service providers. This section further outlined the prevalence of this illegal conduct in South Africa and in the SADC countries.

2.2 Statutory requirements on the operations of private security service providers

The primary objective of the Private Security Industry Regulatory Authority is 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.

According to section 28 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), the responsibility is on the Minister for Safety and Security to prescribe a code of conduct that must meet the requirements of section 28 and must be legally binding on all security service providers, irrespective of whether they are registered with the Private Security Industry Regulatory Authority or not, as well as on certain other persons, be it prescribed therefore by the Minister for Safety and Security the rules contained in this Schedule that embody the minimum standards of conduct with which every security service provider and employer of in-house security officers must comply (Nqakula, 2003).

The purpose of this Code is to provide binding rules that all security service providers and employers of in-house security officers must obey, they must strive to:

- (a) promote, achieve, and maintain a trustworthy and professional private security industry which acts in terms of the law applicable to the members of the industry.
- (b) promote, achieve, and maintain compliance by security service providers with a set of minimum standards of conduct which is necessary to realise the objects of the Authority.
- (c) promote, achieve, and maintain compliance by security service providers with their obligations towards the State, the Authority, consumers of security services, the public, and the private security industry in general.
- (d) ensure the payment of the applicable minimum wages and compliance with standards aimed at preventing exploitation or abuse of employees in the private security industry, including employees used to protect or safeguard merely the employer's own property or other interests, or persons or property on the premises of, or under the control of the employer.
- (e) Lastly, to prepare for matters incidental to the above.

2.3 The theories of compliance and non-compliance

Govender and Govender (2020: 1) pose an important question on why some Private Security Companies fail to comply with the Private Security Industry regulations. Well, the purpose of this study is to analyse whether PSCs comply with the industry regulations. Govender and Govender (2020: 1) argue that some PSCs do not comply with regulations. The researcher embarked on this research to ascertain the veracity of non-compliance if indeed it is the case. Moreover, the study attempted to answer part of what Govender, R and Govender, D's (2020: 1) ask on why PSCs do not comply.

Braithwaite (2017: 28-29) defines compliance as a deliberate action to do what the authority wants to be done. He further outlines that compliance is an outcome of a regulatory intervention. The regulator therefore expects specific behavioural responses that could be measured. The actors comply with the regulation by acting in the manner that the authority requires. If the actors fail to comply, they are therefore not in compliance but in non-compliance.

The study of private security companies' compliance to private security regulations is novel and it is not covered in literature. However, compliance has been extensively covered across spectrum of literature, in varying disciplines. The key enquiry relates to private security companies' compliance or lack of it to the regulatory framework. The salient concept here forth is compliance. Compliance is the epitome of good governance. It is widely used concept in governance, taxes, environmental management, safety sector, health, etc. It should be common usage in private security industry due to the nature of the industry.

There are varying theories that guides the apprehension of compliance. A few compliance theories, which are well covered in literature include the rational choice theory (Kuiper, Chabon, Bruijn, Folmer, Olthuis, Brownlee, Kooistra, Fine, Harrenveld, Lunansky, and Rooijn, 2022: np) and the bounded rationality theory of compliance (Adhitama et al, 2022: 261).

The Rational Choice Theory underpins that an individual rationally makes "favourable or feasibility choice based on preference, taking into account their constraints" in the process (Adhitama et al, 2022: 260). The PSCs rationally make a choice not to register their companies with the regulator if they believe that they would amass profit while unregistered compared to when they are registered. When the company is registered, it is subjected to the regulations that guides the operation of the business.

Moreover, the fear to be caught on the wrong side of the law also forms part of rational decision making based on the Rational Choice Theory. An individual chose to break the rules when the benefits of noncompliance are higher (Kuiper, et al, 2022; np). Furthermore, people comply with rules when they fear "certainty of severe punishment" (Kuiper, et al, 2022; np).

The Bounded Theory advocates that the decision-making of an individual is influenced by the cognitive abilities he possesses, the availability of information, and the time constraints of making decisions (Adhitama et al, 2022: 261). The crux here is about the behaviour of the decision-maker as opposed to the decision of the decision maker advocated by the Rational Choice Theory (Jones, 1999: 298). For example, the PSC as a unit of analysis, with the requisite skills and capacity to comply, skilfully avoid compliance due to systems failure or capacity issues or legitimacy of the regulator.

The other theories that help to apprehend compliance include Sharia compliance (Adhitama, Soediro, Farhan, & Kusumawardani, 2022). The phenomenon of Sharia compliance contents that the Rational Choice Theory and Bounded Rationality Theory are frameworks of studying Sharia compliance. One of the Islamic Financial System practices, which is fundamental to Sharia compliance is the imposition of zakat on Muslims who meets a certain threshold, "to donate a certain portion of their wealth to charitable causes" (Bin-Nashwan, Abdul-Jabbar and Aziz, 2021: 788-769). Although the potential for zakat is huge, the evidence points otherwise (Yusfiarto, Setiawan, Nugraha, 2020: 15). However, not everyone who qualifies complies.

Nguyen, Pham, Le, Truong, and Tran (2020: 65) point out that tax compliance theory is based on three theoretical models, deterrence, economic and psychological models, and behavioural models. They further point that behavioural models are the most significant of the more traditional models. When crafting strategy to encourage tax compliance, the government not only relies on detection and punishment but also on enforcement and positive rewards (Nguyen et al, 2020: 67). Taxpayers are constantly caught in the dilemma that involves the economic

benefit of tax evasion practice and the risk of being detected and punished (da Silva, Guerreiro & Flores, 2019: np) and so are the PSCs.

2.4 The state of non-compliant private security service providers

According to Hlubi-Majola (2023) it is acknowledged that the Council for Medical Schemes is currently investigating cases where security companies deduct monies from workers for medical insurance but fail to pay it over to Affinity Health, which is the designated service provider. The medical insurance benefit, together with other benefits and allowances, is part of the Main Collective Agreement (MCA) of the Council.

In South Africa, there are approximately 2.5 million security officers, but only 250 000 are registered for health insurance and provident funds. This forces many workers to utilise public health facilities even though they pay towards medical benefits from their salaries every month. Sadly, the deductions do not reach Affinity Health, the designated service provider, and instead end up in the pockets of non-compliant companies. Likewise, some of these monies are channelled to unscrupulous service providers for inferior benefits (Hlubi-Majola, 2023).

In terms of the MCA all employers in the Private Security Sector are required to register and comply with the Council. Compliance with the Council includes, inter alia, registration with the provident fund for the private security sector, registration in terms of the MCA for health insurance and compliance with the MCA in terms of payment of levies. In circumstances where this is not adhered to, the Company will be considered non-compliant and enforcement proceeding will ensue. Our preliminary investigations had revealed that about 80% of companies are not complying with the MCA (Hlubi-Majola, 2023).

The growth in the private security industry was seen as necessary to fill the perceived 'vacuum' in policing services and to provide the public with a feeling of being secure and safe, especially in the view of continued high levels of crime. The biggest growth in terms of numbers, particularly over the last ten years, has been in the guarding sector. This sector has also seen the largest increase in the number of vehicles: currently more than 70 000 response vehicles are in use.

The alarm and response sector are the second biggest with just under 35 000 vehicles. The largest number of guards appears to be in the in-house sector (which includes municipalities, large mining houses, oil companies and banks) followed by contract guarding services and the alarm response sector (Minnaar, 2007).

2.5 The nature of the private security industry

The private security industry is one of the fastest growing economic sectors in South Africa. Rampant crime and the demand for specialised security services have contributed to the tremendous growth of this industry. Considerable trust is placed in the industry and is shown in the extent to which it has responded to the growing demand for its services. The growth of the turnover of the Private Security Sub-sector industry has been substantial. In 1990, the industry turnover was estimated at R1,2 billion.

This amount increased to approximately R11 billion in 1999 (SASSETA SSP, 2007: 17) and R14 billion in 2008 (Taljaard, 2008: 73). The steep incline from 1995 is striking and signifies a dramatic change in the industry. Private Security Companies can be categorised into large, medium, and small companies.

Large employers make up about 2% of the industry employing 20% of the total workforce. Medium sized employers 28%, employing 40%, and small employers 70%, most of which are owner managed, employing 40% of the total workforce. The PSIRA Annual Report (20-04/05)

reports that the number of employee security officers deployed within the industry increased from 115 331 to 283 359 representing an increase of 145% between 1997 and 2005.

2.5.1 Economic Contribution of the private security industry

Within the Private Security industry an average growth rate of about 13.6% per annum is estimated, with over 100 000 jobs created over a five-year period. Furthermore, there are an estimated number of 60 000 security guards working in an 'in-house security' capacity who are not registered as private security guards (ISS Monograph No 39: 1999).

The wages for private security guards are among the lowest in the country and the used case studies ranged from R1000 – R1500 per month. In the survey that was conducted in 2004 showed that almost 60% of private security guards earn less than R1 500 a month, while over 70% work more than 45 hours a week. Even with these conditions, several people search for work as security guards due to the scarcity of work.

Unemployment in South Africa has been estimated to be higher than 40%. Wages are determined through sectoral determination formula prescribed by the Department of Labour and are aligned to Grades which form the Security Service Providers Career Path (Skills Development Act, 1998, Act 97 of 1998). The advent of the labour movements in 1994 raised the wages of many private security officers and caused a significant wage compression at the bottom end of the wage distribution.

The high staff turnover and victimisation of employees had made the unionisation of the industry difficult, as a result, employees of the Private Security Industry have a minimal level of unionisation despite the existence of 15 trade unions (Taljaard, 2008: 75). There is some evidence of hours and employment reductions after the labour movements were introduced, though the estimated effects do not appear to be sizable.

Union membership has been very low in some areas of the Sub-sector or provinces, except for Gauteng, Western Cape and KwaZulu Natal. Many staff work on temporary contracts, and some have no contracts while others are being exploited because of not having South African citizenship. The qualification profile of the private security industry shows most workers that are at NQF Level 3, with 32.68% of the total workforce represented at this level (SASSETA SSP: 2005/10).

2.5.2 Private security qualifications

The bulk of the workers at NQF Level 3 are African workers where 26.8% are African males and 2.06% are African females. Representation at NQF Level 4 is fair with 26.52% of the total workforce represented at this level. Again, the African male representation is significantly higher at 17.97% against a White male representation of about 2.25% and below, with a small proportion of workers moving beyond NQF level 5 (SASSETA, SSP: 2005/10).

A detailed qualification profile for the private security industry is provided below. Training leading to qualifications has historically been restricted to certain groups, such as security officers. Though various qualifications have existed (Grades E to A) which security officers could take, these have not been required for jobs, and historically take-up has been low.

2.5.3 Employment and service categories

Private security industry provides a wide range of employment and service, many of the services are highly specialised and are often tailored to a specific niche market. Private security categories include but not limited to, contract guarding and assets-in-transit, event and crowd

management, private investigators and risk management, close protection services and other categories.

a) Contract guarding and assets in transit.

The Contract Guarding and Assets in Transit component guards fixed assets and property such as buildings, schools, and shopping complexes. Other services offered include the patrolling of privately owned public spaces and the policing of strike action. Assets-in transit provides security for the transport of valuable assets, such as the well-known service of cash-in-transit transportation.

The cash-in-transit component includes companies which run both cash-in-transit and guarding services. It is therefore difficult to estimate the size of this component of the industry. The Security Officers' Board classifies 412 businesses as cash-in-transit businesses. Of the 679 cash-in-transit vehicles in operation, over 85% are armoured. Electronic hardware component includes installers of alarms and other security devices. Like the cash-in-transit and guarding components, there is some overlap between the providers of armed response and electronic security services.

Risk management component includes private investigators and risk consultants. There are also several specialised divisions within this category that are closely related to specific characteristics of the transport industry (Penxa, 2009).

b) Event and Crowd Management

The event and crowd management component provides security at large gatherings such as stadiums when sports matches are played, political rallies, music concerts, and any other events that draw large crowds of people in one place (Penxa, 2009). In most cases security is required for an event depending on several factors, including the type of event, expected number of patrons, and whether alcohol is provided, which mostly affect the number securities that will be required to deal with the safety of the patrons.

If security or crowd control is required, security arrangements are to be made and enforced by the Event Organisers. It is essential to develop and implement a strategy for ensuring that crowd controllers or volunteer personnel can effectively and clearly communicate with each other while on duty management throughout the duration of the event. While radio communication is the preferred method, it is acknowledged that some other form of communication may be adequate (City of Wanneroo, 2024).

c) Private Investigators and Risk Management.

This component provides investigative and loss control services to clients. Investigations may range from a special nature to industrial espionage, may be independent of police investigations, or augment the efforts of the South African Police Service (SAPS). It also includes polygraph operators, who are increasingly used by employers in disciplinary matters. Most private security companies are developing specialised private investigation sections to investigate irregularities within their own companies and to service some of their clients' needs. Some people also hire private investigators to gather damaging information on other people (Penxa, 2009).

d) Close Protection Services (bodyguards)

The Close Protection Services (bodyguards) component involves implementing all necessary tasks and related activities by trained professionals to primarily ensure the safety and security of a designated person (Principal). This safety also ensures the principal's peace of mind and, if possible, physical comfort. Security training establishments provides training to security industry workers. They are often operated as business units within security service providers.

Services available also include manufacturing, importing and distribution of security equipment, locksmiths and persons managing, controlling, or supervising security services (Penxa, 2009).

2.5.4 Skills and skills shortages in the industry

Skills required for any service are to be seen in the context of work organisation and staff deployment. In all parts of the Private Security Sub-sector, the work is labour intensive, with at least one security officer per service user, rising to two or more in the case of businesses. However, for the most part, the sector has been dominated by low-skilled jobs. According to the SASSETA SSP (2006 Review) the classification of occupations in the private security and investigation activities sub-sector is relatively limited. This can be attributed to the rapid development of this industry, which is developing faster than the definition of categories in the classification system (SASSETA SSP, 2006 Review).

The profiles in the abovementioned classification clearly show that most employees are the personal and protective service workers who constitute 58 717 out of 85 258 (70%) of the workers profiled. There are differences in skill mixes between the PSIRA training provider trained and SASSETA service provider trained workers. In the private security sub-sector, traditionally the only group with extensive training and qualifications has been security officers that were trained by training providers that are Safety and Security Sector Education Training Authority (SASSETA) accredited.

Prior to the establishment of SASSETA, there were no formal qualification requirements or national qualifications frameworks. In this sector, there are also basic skills problems (SASSETA SSP, 2006/07 Review). The Grades A-E were developed in the early 1990s and since then there has been a steady increase in numbers obtaining the relevant 5 levels and sometimes the General Security NQF 3 qualifications since the establishment of the National Qualifications Framework.

According to the SASSETA SSP (2006/07 Review) the Private Security officers and Electronic Security Technicians are occupations that are in short supply due to the scarcity of such skills. Factors contributing to scarcity of these skills include the requirement to implement the Employment Equity Act, 1998 (Act 55 of 1998) which impact on the availability of the skill.

Some of the skills that are regarded as being scarce may only be so in relation to women, black people, and people with disabilities. This, therefore, is not a labour dysfunction per se, but simply an imbalance that can be corrected by targeting interventions to reach those specific groups.

2.6 The use of non-complaint private security service providers in South Africa

The Private Security Industry in South Africa is regulated by:

- The Private Security Industry Regulatory (PSIRA) Act.
- The sectoral determination, number 6, issued in terms of the Basic Conditions of Employment Act.

Clause 38(3)(g) of the PSIRA Act stipulates: "Any person who knowingly or without exercise of reasonable care contracts for the rendering of security services contrary to a provision of this Act is guilty of an offence, and on a conviction of a contravention, is liable to a fine or to imprisonment for a period not exceeding 24 months, or to both a fine and such imprisonment".

The private security industry is currently under serious threat from non-compliance by fly-by-night security companies, who use various means of avoiding statutory costs and exploit the labour force. All these exploitation factors lead to serious employee dissatisfaction, which

reduces the level of security awareness and dedication. This is ultimately to the detriment of the consumer. While there is adequate legislation controlling the private security sector, unscrupulous operators are continuously finding means to circumvent minimum standards, to gain an unfair advantage over professional and compliant security service providers.

Many reputable consumers of security services are unwittingly entering into contracts with non-compliant security providers. SASA believes that with growing awareness, no reasonable company will wish to associate itself with such unscrupulous organisations.

2.6.1 The ramifications of employing/utilising non-compliance

The consequences of hiring non-compliant security companies include:

- Security officers on your site, who are poorly trained and unable to perform their duties properly.
- Security officers on your site, who are underpaid, and vulnerable to the temptation of criminal collusion.
- Heavy financial penalties or jail time, for consumers who continue to transgress the Private Security Industry Regulatory Authority (PSIRA) Act.

The ramifications are carried by both clients who knowingly employ non-compliant private security service providers and the service providers who chooses to take short cuts on their operations as stated above in clause 38(3)(g) on PSiRA act.

2.6.2 The Security Association of South Africa (SASA) solutions

The SASA is a world-class professional body that advocate, promotes, and drives industry compliance within South Africa's private security industry. SASA is also the largest employer association in the security sector, providing a range of services that benefit security employers, their employees – and ultimately the consumers of security services. With a five-decade legacy, SASA is the greatest advocate of industry compliance, serving as resource for its members, an educational platform for consumers of security services, and an essential link between the private security industry and government.

The SASA is nationally recognised by the Government, South African Police Service and consumers as having members with a proven track record within the industry and a Code of Ethics by which members must abide. As world-class professional body, SASA supports industry compliance and seeks to provide awareness and support for businesses in South Africa. According to SASA they make it easy for consumers to employ the right security provider by vetting service providers for you. As criteria for membership, SASA's members must be fully compliant with all industry and national legislation, and have supporting documentation, which is independently verified. Our goal is not to put ethical and professional security brands out of business, but to ensure we all follow the same law and deliver exemplary service and professionalism.

2.7 Conclusion

This section presented literature review on the issue of non-complaint security service providers in South Africa, the potential safety risks and PSiRA's response to the illegal practices by non-compliance private security service providers. This section further outlined the prevalence of this illegal conduct in South Africa, it also outlined the magnitude of the issue in other SADC countries.

CHAPTER 3

METHODOLOGY

3.1 Introduction.

Research methodology is the approach in which research troubles are solved thoroughly. It is a science of studying how research is conducted systematically. In this chapter the researcher explains himself with the different steps generally taken to study a research problem. Hence, the scientific approach which is adopted for conducting research is called methodology (Mishra, 2019).

According to Rose (2005) 'research methodology does not set out to provide solutions to the research problem, therefore, it is not the same thing as a method. Instead, it offers the theoretical foundation for understanding which method, set of methods or best practices which can be applied to specific case, for example, to calculate a specific result'.

It is about how a researcher systematically designs a study to ensure valid and reliable results that address the research aims, objectives and research questions. In the current study the research methodology is the specific procedures or techniques used to identify, select, process, and analyse information about the research topic.

3.2 Research design.

A review of literature is essential to critique and identify what has been previously written by scholars to understand the substance of learning conditions at private law firms during a transformation attempt. A literature review provides an insight on a particular topic and a greater understanding of the phenomenon at hand (Leedy, 1989). In the current study, the review literature was therefore used as a point of departure that guided the formulation of the research questions and the analysis of data.

The current study used qualitative research method to explore the consequences of having non-complaint security service providers. Qualitative research is concerned with developing explanations of social phenomena. In addition, qualitative research is a form of social action that stresses on the way in which people interpret and make sense of their experiences to understand the social reality of individuals.

Leedy (1989) further state that qualitative research as an exploratory method which seeks to explain 'how' and 'why' a particular social phenomenon or program, operates as it does in a particular context. In the proposed study, qualitative research will be used to unravel other country's strategies in dealing with the killings of police officers.

3.3 Sample and sampling methods.

The current study drew its sample from PSiRA (investigated cases), security service providers investigated and SAPS case files available for the public. This study will also use a secondary data (articles, books, and media statements) for the purpose of providing foundation for the current study. Hence, purposive sampling method will be used for this study.

The sample for the proposed study will comprise of previously research studies done on the similar topic in SADAC region. Lastly, the study will give an opportunity to clients protected by private security companies, this would be the opportunity to inform them about the risk of hiring non-complaint security service providers, the precautions they should take before hiring them and the damage it has on the security industry. This study will employ purposive (also called judgemental) sampling method.

According to Barratt & Shantikumar (2018) this strategy, sometimes referred to as selective or subjective sampling, relies on the researcher's judgment when deciding who to ask to participate. So, to suit their needs, researchers may implicitly select a "representative" sample or target individuals who explicitly fit certain criteria. The media frequently employs this strategy while doing qualitative research and polling the public. The benefit of judgment sampling is that it produces a variety of replies while taking up little time and money (particularly useful in qualitative research).

Moreover, Etikan & Bala (2017) state that researcher's assessment of who will provide the best information to meet the study's objectives informs the sample design. Focusing on those who have the same viewpoints can help the researcher gather the necessary data and find those who are eager to share it.

3.4 Data collection

The data will be collected through one-on-one semi-structured interviews with the members of PSiRA, SAPS and Security Service Providers. Semi-structured interviews afforded the interviewer the opportunity to probe further and explore informative themes that emerged during the discussions. Additionally, data will be collected through one-on-one interviews with the above-mentioned stakeholders who are working in the safety and security sector.

In this study, one-on-one interviews will provide the interviewer with a broader range of perspectives from different participants, moreover, the one-on-one interviews will offer the interviewer the opportunity to seek clarification on themes that emerged during the discussions. All the interview discussions will be audio-recorded using a voice recorder and transcribed verbatim (Bailey, 2008).

3.5 Data analysis

The process involves transforming a volume of data into a clear, understandable insightful, trustworthy, and original analysis through reading and rereading of data. It is widely accepted by many researchers that data analysis does not only commence when the process of data collection is completed it is continuous (Williamson et al., 2018: 454-454; Liamputtong, 2020: 251-252). Liamputtong (2020: 251) identified five approaches to data analysis, namely content analysis, thematic analysis, narrative analysis, discourse analysis and semiotic analysis. The qualitative content analysis is applicable to this enquiry.

Content analysis is a research method for making a replicable and valid inferences from data to their context, with the purpose of providing knowledge, new insights, a representation of facts and a practical guide to action. Data analysis was carried out using content analysis method. Content analysis is a method of analysing data which involves a subjective interpretation of the content of text data through a process of coding and identifying themes or patters (Shanon, 2015). The use content analysis enabled the researcher to take a volume of qualitative material and identify consistencies and meanings (Patton, 2002).

That is, content analysis was used to break down the transcribed data systematically into codes, categories, and themes to generate meaning. The researcher reads the interview transcript to make sense of the data (Liamputtong, 2020: 26). Following the reading, categorising and classification of data, themes that forms the basis narration emerge.

3.5.1 Data interpretation

The researcher interprets the results of the study and provides recommendations in the last chapter of the study. The researcher came with a rigorous examination and explanation of how

the dots connects. The researcher explains how the study answers the research question (Johnson, et al. 2020: 143).

3.5.2 Reporting

Johnson, et al. (2020: 144) assert that the key to quality reporting of qualitative research results is clarity, organisation, completeness, accuracy, and concise in communicating results to the reader. These elements are essential in this study. Furthermore, the quality of this research should be adjudged by its trustworthiness and rigour.

3.5.3 Evaluation of quality

Mandal (2018: 591) notes that although the traditional criteria of evaluating quantitative research are reliability, validity, and generalisation, these are not always applicable to qualitative research, which is interpretative. He points out that although the qualitative researcher has different views on evaluation criteria, he highlights that there is a general sense among researchers that the work of the researcher should be trustworthy and demonstrate rigour and relevance.

3.5.4 Trustworthiness

The researcher is adamant to prove the quality of this research inquiry. It is therefore unequivocally essential to prove trustworthiness of the study. To achieve quality, the researcher adopted criterion advocated by Lincoln and Guba, which is used to adjudge the trustworthiness of the research. The elements of this yardstick for trustworthiness, which equates to validity in quantitative study, are credibility, transferability, dependability, and confirmability of the finding (Johnson, et al., 2020: 141, Korstjens & Moser, 2019: 121 & Mandal, 2018: 591).

a) Credibility

The researcher makes certain that the findings of this study are accurate and are supported by evidence (Johnson, et al. 2020: 141). The reader should be able to make sense of the outcome and believe it. The findings should reflect the outcome of the research process (Mandal, 2018: 591-596).

A further yardstick applicable to fortify the credibility of the findings is through the application of research technique such as triangulation and member checking, which are commonly used in qualitative research to establish rigour and trustworthiness. The other yardstick for credibility is achieved through the techniques such as member checking, triangulation and committing to longer interview sessions (Korstjens & Moser, 2019: 121).

In addition to using multiple data sources, such as interviews and documentary sources, which fits with triangulation, the researcher affords the participants the opportunity to verify the content of the interview – whether they are the true reflection of what transpired and member checking (Johnson, et al., 2020: 141-143). It is important to note that the longer interview session assists in getting in-depth information from the participants (Korstjens & Moser, 2019).

b) Dependability

Another yardstick for trustworthiness of the research project is adjudging dependability. This is whether the aspects of research in a form of analysis, methodology are consistent with accepted standards or not (Korstjens & Moser, 2019: 121).

The researcher strives to achieve the research dependability by detailing the study process adequately to the point that if the same processes are applied over again, they possibly would

achieve similar results (Johnson, et al., 2020: 141). Dependability is further fortified by proper documentation of data, selecting proper research methods, and taking proper decisions about the research methodology and research design (Mandal, 2018: 591-596).

c) Confirmability

The researcher ensures confirmability through supporting and substantiating information gathered through data sources and not the researcher “interpretation or biases” (Johnson, et al., 2020: 141). The researcher allows the data to speak not in accordance with the researcher’s subjective viewpoint (Korstjens & Moser, 2019: 121).

d) Transferability

To achieve transferability, the researcher provides a detailed context about the mode of data collection to allow the reader to adjudge whether the findings are applicability to other research settings (Johnson, et al., 2020: 141).

e) Rigour

As rigour is also crucial in the determination of research quality. Mandal (2018: 592) asserts that rigour represents the process of arriving at the results. The researcher ought to detail the process and the rationale of selecting methods and methodologies to meet rigour as evaluation criteria.

The researcher here applies peer review and triangulation to critique the research methods and validate the conclusion drawn (Johnson, 2020: 143). Rette, Prett, Spichiger, Freii, and Spichiger (2018: 492) argue that transparency in research methods is critical to allow the reader to establish how rigour was complied with.

f) Reflexivity

Another means of fortifying the credibility of research study is for the researcher to apply a reflexivity throughout the research process. According to Korstjens and Moser (2019: 121) and Rette et al (2018: 491), it is imperative for the researcher to be “self-aware to avoid biases” in conducting research. The researcher should acknowledge his/her pre-conceived assumption during data collection, analysis, and interpretation.

To assure the reader of efforts to avoid bias, the researcher supplements every step with reflexive note, e.g. about interview settings, rapport, etc. to avoid what Rette et al. (2018: 490-491) dub as “observer’s paradox”. This allows the researcher to be conscious of his/her biases and helps to improve the quality of the research findings.

3.6 Ethical Considerations

This study applies interviewing research method and the use of documentary sources as the means to collect data. In the process, the researcher conducts one-on-one interviews with participants. Qualitative researchers use individual or group experiences through interviews, documentary analysis, observation, etc. to understand the social reality (Haradhan, 2018: 2; Liamputtong, 2020: xi) of participants.

The researcher therefore embarks on research with heightened consciousness to ethical considerations. Ethical considerations in research are important because they strive to ensure that the human participants are protected against any harm. Furthermore, ethical considerations are concerned with ensuring that the reporting of data is honest, of high integrity, takes active responsibility and takes the professional conduct of the researcher into consideration (Arifin, 2018: 30 & Rette, et al, R. 2018: 490-491). Among factors that requires ethical considerations

are informed consent, anonymity and confidentiality, and ethical approval and access to participants (Arifin, 2018: 30).

3.6.1 Informed consent

The research sample is composed by mainly competent participants who could adjudge what is right and wrong. The research affords the participants an opportunity to participate in the study by providing the detailed purpose of the research and allow them to choose whether to participate or not. The participants provide a written consent to continue participation in the research study. The participants are also informed about the freedom to withdraw at any stage of the process (Arifin, 2018: 30; Lune & Berg, 2017: 46-48).

3.6.2 Anonymity and confidentiality

The participants need to confide in the researcher that their identity would be protected. The researcher assures the participants that their identity would not be revealed in the process of collecting data, analysing data and during reporting of the study findings. This ensures that the participants take the researcher into confidence that they would not harm them in anyway. This means that their names would not be revealed at any stage of research (Arifin, 2018: 30; Lune & Berg, 2017: 46-48). The researcher further ensures that the suitability of venue for interviews prior interviews to ensure that privacy is maintained. This also assists in building the integrity and the credibility of the research process (Arifin, 2018: 30).

3.6.3 Data protection

The protection of collected data also adds to ethical considerations. The researcher stored the interview transcripts in a password protected computer. The researcher, through a password, is the only person who has access to the transcripts. The written data are stored for at least five years and disposed thereafter if there is no longer a need to keep them. The final product would be submitted to SASSETA via supervisor for safekeeping and dissemination (Arifin, 2018: 30).

3.7 Summary

It is evident from this chapter that the scientific process of qualitative research requires calculated and well-informed research design to arrive at the accurate and believable findings. The research design encompasses the totality of the plan to follow in researching a specific phenomenon. This includes the selection of suitable research methodology and research methods. This implies that the tools for data collection should be carefully selected in order to arrive at accurate findings.

This study followed a phenomenology methodological framework, which strives to unearth the lived experience of the targeted population. The researcher opted for one-on-one interviews with participants and documentary analysis of data in relations to the subject matter. Private security industry experts, private security company owners, and PSIRA officials as the targeted population of this research.

Furthermore, the collected data is scrutinised and interpreted to make sense of it. This process is extensive and circumscribes the categorisation and thematization. The researcher uses the tools for adjudging quality in a form of whether the study meets trustworthiness, rigour, and reflexivity. Most importantly, data collection should meet the approved ethical standards as they deal with direct human interaction.

CHAPTER 4

FINDING OF THE STUDY

4.1 Introduction

This chapter deals with the presentation of findings and the analysis of collected data. The researcher collected data through in-depth, semi-structured interviews with research participants and the consultation of documentary sources. The purpose of this chapter therefore is to bring forth the collected data to the audience and make sense of what it means.

The researcher collected data via face-to-face and semi-structured interviews with carefully selected participants. Furthermore, the researcher consulted documentary sources to pitch the context and provide supporting data in the form of statistical data, annual reports, and policy documents to augment the collected data. Therefore, the researcher purposefully selected participant who have expertise, experience, and knowledge of the field of study to impart lived experience, which could share a light of the status quo of the industry's compliance or non-compliance to the industry's regulatory framework particularly in Gauteng, South Africa.

Additionally, the sensitivity of the current topic presented a challenge to the researcher because most of the targeted participants turned down the invitation for what seemed to be the fear of revealing their companies' compliance status, although they were informed in advance of the confidentiality of their identity once they participate. Therefore, the researcher believed this led to cancellation of most targeted participants who previously consented to participate.

It is worth noting that the current study was not conceptualised to yield conclusive evidence regarding the consequences of engaging and utilisation of non-complaint private security service providers. Rather, to test the assumptions of consequences of non-complaint in the safety and security, and to contribute to the phenomenon of complaint in the private security industry by means of gathering insight. Section 4 focuses on presentation of the findings of the current study.

4.2 Presentation of the findings

The findings of the current study is presented according to the following premises as guided by the objectives and research questions. The expansion on each research theme is based on the research instrument, the instruments were constructed from each broad question that are as follows:

- What are the statutory requirements of operational security service providers?
- What is the magnitude of non-compliance in the private security industry?
- How non-compliance affects skills development in the safety and security sector?
- Is PSiRA adequately capacitated to deal with non-compliance?

4.2.1 Statutory requirements of operational security service providers.

According to section 28 of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001) the responsibility is on the Minister for Safety and Security to prescribe a code of conduct that must meet the requirements of section 28 and must be legally binding on all security service providers, irrespective of whether they are registered with the Private Security Industry Regulatory Authority or not, as well as on certain other persons, be it prescribed therefore by the Minister for Safety and Security the rules contained in this Schedule that embody the minimum standards of conduct with which every security service provider and employer of in-house security officers must comply.

The table 1: below depicts the costs requirements the security business should factor into contract and pricing structure:

	Condition of employment	Statutory payments	Overhead costs
1.	Basic salary/wages in accordance with Grade E-A	Unemployment Insurance Fund (UIF)	Liability & insurance
2.	Sunday payment premium	Compensation for occupational injuries and Diseases (COID)	Management and supervision
3.	Possible holiday payment	Training-Skills development levy	Payroll and administration
4.	Annual leave	Uniform- to be provided free by the business	Control centre
5.	Sick leave	Cleaning allowance	Transport – vehicles, maintenance, and fuel
6.	Family responsibility leave.		Fixed infrastructure
7.	Provident fund		Rates & taxes
8.	Annual bonuses		Register
9.	Night shift allowance		Company aids, occupational health, and safety.

Source: participants' data

The consumers are obliged to ensure that all the above factors are filtered in the pricing structure, and it shapes the cost of contracting. If the service provider does not factor the costs as per the guideline, they are probably non-compliant with labour legislation and effectively not compliant with PSIRA's regulations.

The condition of employment, statutory costs and overheads costs are unavoidable therefore, the prospective security service provider should comply with. The consumers are also instrumental in ensuring that the prospective security service provider is compliant with the Firearms Control Act, 2000. The verification can be done with the SAPS Central Firearm Registry.

Most participants showed a good understanding of the code of conduct prescribed under the abovementioned act and all other statutory requirements governing their operations. They provided the contract and pricing structure which almost all of them (PSCs) agreed with.

When asked about their understanding of the company registration, the common answer was generally stated as follows: the application process to register a security business as with PSIRA, the participants state that the aspirant businessperson tenders an application to the Regulator. The application should be accompanied by an applicants' fingerprints, either of the Director, partners, and the administrators of the business, application fee, and other documents as specified by the Authority.

One participant points that in case of security training provision, the fire department conducts inspection to confirm the safety of the fire hindrance before a clearance is issued. PSIRA should be satisfied with the Quality Management System (QMS) for skills development.

Moreover, all participants shown to have a good understanding of the operational requirements that every security company must comply with however, they blame regulatory authority for ineffective regulation. They argue that this is due to the growth of the market, the need for increased regulation of the industry and the segmentation of sectors. **One participant answered:**

“Other non-compliant is due to challenges faced by most non-established security service providers leading to abandoning their registration processes due to failure to sustain their businesses. Thereby attempting to operate illegally to cut costs of the operations. This is mostly caused by the fact that they are many successful private security companies operating illegal or non-complying with all the requirements, and they do not face any consequences”.

This shows that the fast growing of the industry cannot be only seen as positive in a sense that more employment opportunity is created therefore contributing to the economy but should be scrutinised for opportunists that see a chance of operating illegally with the hope of not being caught. This led to the second theme of the research, the magnitude of non-compliant in the industry.

4.2.2 The magnitude of non-compliant in the private security industry.

Participants were asked about their estimation of the magnitude of PSCs' non-compliance to PSI regulatory framework. This interview question ties with the research of determining how prevalent non-compliance is to private security regulations by PSCs nationally. The research objective linked to this research question is to determine whether PSIRA conducts inspection on all registered private security services to ascertain compliance.

It is clear as day light that there is no accurate estimation of the level of noncompliance. Although PSIRA has an estimated number of registered PSCs, many are dormant, others cannot keep up with the annual fees and are therefore de-registered, others are not known have never registered with PSIRA, and others operate under fictitious names.

Participants contested that there are more than 10 400 new companies entering the PSI market monthly nationwide of which 20% follow the rule of the law in every respect and the rest are non-compliant to the PSI in the country. The participant says that most companies underpay their staff using disguised employment contracts to pay less.

One participant asserts that there are instances where PSCs hired foreign nationals in contravention of the provision in the PSiRA Act. The participant further narrates a case that he was followed closely that involved security company hiring foreign nationals.

"In the past few years, where peculiar incidents that have been occurring at client's premises whereby security officers are deployed by PSCs to safeguard assets and facilities buildings, an investigation revealed that most of the security officers were foreign nationals hired by PSI who fraudulently attained South African documents. they PSI facilitated the attainment of documents for the purpose of getting cheap labour from foreigners".

This suggests that PSIRA does not have a total count of security businesses and practitioners operating out there. Forty percent (40%) of participants concede that many security stakeholders do not know of the existence of PSiRA. They only come to know about PSiRA when they want to start a company, or they are interested in becoming security officers.

Participants were asked to identify measures and sanctions that PSIRA applies to enforce compliance. This ties with the research questions of what the measures are taken by the regulator to enforce compliance and what the sanctions are directed to non-complying PSCs. This ties to the research objective to determine whether PSIRA is capacitated to enforces compliance as per the regulatory framework and to establish the actions that are taken on non-complying private security service providers.

On the research instruments an additional question was asking about measures crafted to sanction the non-complying PSCs effective. Some participants believe that the measures are adequate; however, some participants believe that the PSiRA is not adequately capacitated impose sanctions on non-complying PSCs therefore, encouraging the behaviour to go on without consequences.

One participant suggests that the compliance component within PSiRA should strengthen its efforts aimed at enforcing compliance culture on PSCs and the timeous imposition of penalties as stipulated in the PSiRA Act. In agreement with the above statement from participants, the

research discovered that PSiRA has the Law Enforcement arm responsible for ensuring that the industry players comply with the regulations and if they fail, the Authority takes appropriate actions where violation occurred. The arm is constituted by the compliance and enforcement, which ensures that the players comply with the regulations, and the prosecution side, which prepares evidence about improper conduct by industry participants.

The other mechanism in place to ensure that security companies comply with regulations include letter of good standing, which is valid for 90 days. The certificate is an assurance that the holder has valid registration, payments are in order, monthly returns are in order, complies with the regulations, up to date with CIPC, and physical address and infrastructure has been assessed and are complying. Furthermore, consumers or stakeholders, including government departments, are urged to examine potential security service providers especially in their supply chain processes.

Under this subheading they were a question of asking the about the **implications of procuring or utilising the security services from non-complying providers**. According to Section 38(3)(g) of the Act, it is an offence when consumer knowingly or without exercise or reasonable care contracts for rendering of security service contrary to the provision of the Act, which implies that the consumer contract with non-compliant security company.

One participant sums it up those inspections, investigations, operations with critical stakeholders such as the SAPS, Department of Employment and Labour, immigrations, education, awareness, prosecuting non-compliant security service providers, etc are mechanisms of effecting compliance.

4.2.3 Impact of non-compliance on skills development in the safety and security sector

The Skills Development Act, National Skills Development Strategy and Strategic Framework for Human Resource Development emphasise the importance of skills in an organisation. PSiRA's Learning and Development Division, with the support of the Skills Development Committee, develops the training and development programme for each financial year.

PSiRA should be satisfied with the Quality Management System (QMS) for skills development. The study further shows that annually, PSiRA submits its WSP to SASSETA, as required by the Skills Development Act No 98 of 1998. SASSETA has awarded bursaries to 28 PSiRA employees for leadership development courses, whereas most Managers and supervisors were selected to complete 12-month management development and project management programmes through the University of South Africa (Unisa).

Participants' comments on the question of the **impact of non-compliant on skills development**: most respondents highlighted that the shortcuts taken by some private security companies together with "security officers" undermines the efforts of the stakeholders involved in skills development.

"Most security companies enter illegal practices because they see other security companies thriving because of taking shot cuts and cutting costs. When such companies caught, which can take years of illegal practices they receive "a slap on the wrist". Therefore, this encourages complying security companies to start cutting costs".

The participants shows that when most complying PSCs witness some companies, they are competing with on the industry cutting cost on some aspects of compliance without consequences they get attempted to do the same. Therefore, undermining the entire skills development levy consequently undermining skills development act. This also put consumers at safety risk because they hire the services of the security companies with hopes that their

security companies are well trained, they also assume that since contracting and pricing structures are factored in on the agreement security officers are well compensated.

4.3 PSiRA's capacity to deal with non-compliance.

Some participants: highlighted that PSIRA has no capacity to uncover non-complying PSCs. PSIRA relies mainly on complaints. One participant indicates that SASA is one of the sources of information of non-compliant companies. SASA receives complaints from the consumers and other rival security companies, etc. The participant further points that PSiRA has no power of compensations, they should have a proper way of collecting revenue from security companies. Once they find that a company is paying its employees less, they can only impose a fine, but they cannot request the shortfall from that company.

"They leave most of their work to consumers, PSiRA empowers them to ensure that they hire only PSCs who comply to the regulatory framework those who are registered with PSIRA and have track record. One participant cautions that this creates a disproportionate advantage that only favours big private security companies who have all the infrastructure compared to the up and coming or emerging security businesses".

Generally, all participants are in consensus that PSIRA's law enforcement arm requires improved financial support to improve inspection capacity to cover more ground in terms of random inspections. One participant was particular with the capacity indicating that the compliant component should be increased. PSiRA several regulatory challenges, including the capacity to conduct inspections and enforce compliance. The failures of the Regulator create a vacuum for the industry that is a force unto itself, characterise by employee exploitations, and it poses a danger to the citizens.

The data shows that the primary motive for establishing and operating a private security company is to make profit. To maximise profit, PSCs flouts the regulations and avoid compliance. Complying companies pay levies for operating. The consequences of having non-complying companies are the breeding of fertile ground for unscrupulous companies to operate. PSIRA conducts random inspection to identify unregistered companies. Once identified, the non-compliant companies are imposed with sanctions or charged criminally. Apart from random inspections, PSIRA relies on tip-offs, from security officers and competitors to report non-complying companies.

The magnitude of non-compliance continues to be confusing because it comes in different forms and levels. The are divergent view in this regard however, the difficulty of failing to regulate non-compliance magnitude emanates from an industry that is huge and not all companies are accounted for. PSIRA has begun with the efforts to professionalise the industry, but it is poorly capacitated to meet its huge mandate.

4.4 Conclusion

Based on the interaction with the participants it shows that security companies have a good understanding of the industry and the code of conduct they need to abide by therefore, non-compliance is mainly based on maximising profit by providing minimum services. Most security service providers take advantage of the inefficiency of the regulator to thoroughly inspect all security companies due to the fast growing of the industry. The lack of hush punishment on non-complying security companies does not send a strong message to deter prospective future offenders.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

This chapter concludes the research and offer recommendations to the PSCs, PSIRA and the State on what to do to improve PSI's compliance to the regulatory framework. The chapter further presence the limitation of the research and the possible future studies on this topic.

Most of the big cities in the country such as Durban, cape town and Johannesburg are economic hub of the South Africa, however, they are plagued by increasing level of crimes and the police force is not adequately capacitated to deal with it. The violent nature of crime has created fear amongst the citizens who resorts to the PSI for protection. However, the PSI is seen as a tainted industry characterised by poorly equipped PSCs, which flouts the rules and lacking professionalism. This further exacerbates the already vulnerable security situation in the country.

To professionalise the industry, the State has created the regulatory body (PSIRA) to exercise control over the PSI. The Regulator has its own share of challenges, including the capacity to conduct inspections and enforce compliance. The failures of the Regulator create a vacuum for the industry that is a force unto itself, characterise by employee exploitations, and it poses a danger to the citizens.

5.2 Recommendations

The increasing need for professionalisation of the PSI in South Africa is well documented. However, the ever-surging growth of the industry has always outgrown the development of the regulations. The three major players that are crucial to deliver on a professional, highly compliant regulator are the PSIRA, PSCs, and the State. The following recommendations can be considered, namely:

- (a) Increase the capacity of PSIRA's inspectorate. this can be achieved through the use of the strategic partnership between SASSETA and PSIRA. SASSETA needs to assist with training interventions that will enable PSIRA to increase it footprint. These must include internships, learnerships and skills programmes.
- (b) The Regulator should increase the intensity of their awareness campaign. When the Regulator is well known, there is a better chance that the new entrance in the security business would be aware of what is expected of them.
- (c) Knowledge might be power, but it's much more powerful when it's shared, SASSETA and PSIRA must use its partnership to share information, this will assist the industry in reducing the non-compliance of the PSCs.

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