CHAPTER 1

BACKGROUND TO THE STUDY

1.1 INTRODUCTION

The concept of Private Security means different things to different people as it presents itself in a broad assortment of forms. For the purposes of this study the definition and scope of the sector is restricted to the groupings consistent with the Standard Industrial Classification (SIC) system used to classify industries in South Africa (Government Gazette No. 265, 1998). This sub-sector is described as follows: Private Security and Investigation Activities (SIC 88920), comprising private security, investigation and polygraph services. This is an area that is relatively under-researched in South Africa when compared to other fields in the safety and security sector. This is even more apparent when it comes to skills levels and skills needs. People targeted for recruitment for this sector are not necessarily trained or skilled for the jobs they occupy. They are given a uniform comprising of a khaki overall suit, brown half boots, black beret, a traditional stick with an enlarged front part called igqudu or knopkierrie and a whistle to blow in cases of a need to alert or call for backup for apprehending a detected intruder.

This research follows from the understanding that this area of employment has previously been undervalued, with the Security Guards being referred to as "*OoMantshingilane*" a derogatory word meaning "*marching on the line*" a word derived from the drilling exercise that constituted part of the meager training they received. Their primary task would be to minimize the exposure of mostly business properties to any risks. Security Guards' tasks must include vigilance against the occurrence of unexpected situations. They, therefore, function in a continuous state of alertness, identifying and assessing all relevant risks or threats while simultaneously taking the necessary preventative measures to hopefully thwart or avoid such situations. Clearly, the above described expectations require highly skilled people.

1.2 VALUE OF THE RESEARCH

The research is important in that it addresses the general outcry that there is a dire shortage of skills in South Africa and that the Sector Education and Training Authority (SETA) system has made little or no impact on the skills shortage. Furthermore, Babb and Meyer (2005: 2) argue that key skills shortages, coupled with high levels of unemployment and unemployability, remain and are well documented in South Africa. There is also a complaint that learners that have gone through the learnership system have no obligation to stay with the companies, thus causing these learners to exit before completing their training programmes once they get jobs elsewhere (Dunn, 2005: 43). This is despite the billions of rands collected by SETAs through the Skills Development Levies, the high learnership targets set by the National Skills Authority (NSA) and the Minister of Labour. Added to the abovementioned challenges is the enormous amount of effort which has gone into the development of the Sector and Workplace Skills Plans.

In light of the above claimed ineffectiveness of the intervention by the SETA system, it is imperative that a review of progress in the development and implementation of the Skills Development Legislation against its objectives as outlined and translated into the National Skills Development Strategy is conducted. The findings will present an opportunity for scholars and researchers to debate and argue their merits and demerits which will in turn influence policy-making processes positively.

This section will focus on a detailed profiling of the Private Security Sub-sector. If and when problems arise due to lack of accurate statistics, figures are given in terms of percentages. Skill mixes between the sub sectors, shortages and deficiencies will also be given. In order to profile the sector appropriately, workforce demographics will also be contoured. The contouring is according to age, gender and race. This profiling will enable the researcher to critically review the effectiveness and successful implementation of skill development legislation accordingly as experienced by the various categories of employees at the workplace.

1.3 HISTORICAL DEVELOPMENT OF PRIVATE SECURITY INDUSTRY

Contrary to what is popularly often thought of private security, particularly as a profession, it is not a relatively modern development. As soon as rulers of almost any race in any region came into power, there were probably a select few chosen to protect these rulers. This practice can be traced back to the 970 – 931 B.C. during the reign of King Solomon. According to the New Bible commentary 21st Century Edition: Solomon becomes king (Kings 1:38) when King David gave the command that <u>Solomon</u> should be placed on the throne as king, they were traveling to Gihon in a procession. This procession consisted of his chief supporters and King David's bodyguards the Kerethites and the Pelethites. The Kerethites are described as a unit of men whose job was to protect the life of the king. Carson, **et al.,** (1994: 340) explain that the name Kerethites is also found in the frequent phrase "Kerethites and Pelethites" which was designated the *corps d'élite* and body-guard which were the same as the ones that escorted King Solomon to his coronation.

Private Security has developed as the result of a whole host of needs, historical events and identifiable individuals and personalities, and because private security has become an essential and critical component of modem business, industry and society, some knowledge of how it developed is not only interesting but also helpful in understanding it as an emerging and growing profession. Ancient history on the beginnings of mankind tells us that the protection of life and property is one of the oldest tasks both faced and undertaken by man. Consequently, while today it is a multi-faceted and broad-based business and profession with specialties and sub-specialties, employing more people than the policing service, and financially contributing enormously to the entire gross national product of South Africa with projections of continued growth, private security has had an evolutionary growth - with its roots buried deep in history and extending back to ancient times (Christman, 2003:1).

Rudimentary security techniques from archaeological digs and historical evidence indicate that the most primitive of man was concerned with security. Cave drawings and other evidence clearly demonstrate that protection and enforcement of social codes were of concern even to earliest man. Meeting these needs, from then until now, resulted in the development of modern day public law enforcement and private security. The role of these

two now distinct and separate functions was in the past often interwoven and indistinguishable.

Oatman (1997:34) and King (2001:67) assert that in tribal society, needs were basic; security probably did not extend beyond keeping raiding animals from devouring others in the tribe while they slept. While 'laws' as such did not yet exist, it is known that tribal customs were followed, and that some means of identifying and bringing violators of these customs before the tribal chief for punishment, existed. Private security and public law enforcement had common origins and their development has only really bifurcated in more recent times. In essence, as soon as the proliferation of survival instincts came to the fore of people's behavior, it was inevitable that the stronger members of primitive clans would protect the weaker members from any outside threats or attacks. Some of the earliest written records of protectors refer to the ancient Roman Praetorian Guards who were responsible for the protection of the ruling emperor. These 'Protectors' were probably chosen for their physical strength and materials skills, which obviously favored the weapons of that day, for example the use of the sword by Samurai in ancient Japan.

1.4   THE DEVELOPMENT AND PROFILE OF THE PRIVATE SECURITY INDUSTRY IN SOUTH AFRICA

The South African Institute of Security Studies (SAIS) in its Monograph No 39: 1999, reported that in late 1970s and throughout the 1980s, the former South African Police (SAP) withdrew from many normal policing duties to concentrate on maintaining political control. The government of the day encouraged the private security industry to fill the gap left by the police's shift in priorities. In tracing the evolution of the Private Security Sub-sector, Taljaard (2008: 76) mentions two causal factors which were critically important at different times. He attributes the first period to the transition to democracy, when the government demobilised the former homeland forces and integrated them to the SANDF to ensure a manageable size defence force, commensurate with the country's needs.

As a consequence, many South African National Defence Force (SANDF) soldiers took voluntary retrenchment packages, which later proved to be insufficient as source of

income. These former soldiers played a large part in the formation of private security companies. Taljaard (2008: 76) ascribes the second period to the escalation and persistently high levels of violent crime, leading to severely overstretched state security resources. The industry then grew in response to the need for private security in the absence of adequate protection by state organs. In support of this point, McGregor, in an article published on the Business Day 14 April 2008, contends that rampant crime and ineffective state security services have spawned a burgeoning Private Security Sub-sector populated by firms of various sizes and sophistication. The industry is showing continuous growth as it follows the inordinate growth in crime. As a result, the Private Security Sub-sector is one of the country's largest private employers.

The government has assisted the industry by providing mechanisms with which the industry could link up formally and informally with the State Security apparatus. At a formal level, the State used private security companies to guard strategic installations hence the promulgation of the National Key Points Act, 1980 (Act 102 of 1980) in 1980. The National Key Points Act, 1980 (Act 102 of 1980) granted greater powers to private security guards who were guarding strategic installations, including full powers of arrest, and search and seizure.

The privatization of security has now become a global phenomenon. It is therefore important that the meaning of the Private Security Sub-sector be clarified before delving into the effect of skills development legislation on it. For our purposes, the study of such effects should be preceded by a thorough understanding of the Private Security Sub-sector with particular focus on South Africa. According to Small (2006: 4, Wairagu **et al.,** 2004: 3), private security is an industry that operates along corporate lines and provides security services to organisations that are largely independent of the State. Jones and Newburn (2002: 129) refer to the Private Security Sub-sector as 'commercialising policing' since their activities are strictly commercially based, as opposed to mainstream policing. By policing, Jones and Newburn (1998: 18) mean the organized forms of order maintenance, peace keeping, rule of law enforcement, crime investigation and prevention and other forms of investigation and information brokering.

Schreider and Caparini (2005: 2) define private security companies as companies that specialize in providing security and protection of personnel and property, including humanitarian and industrial assets. Wairagu, **et al.,** (2004: 4) that, in the most general sense, private security is an industry made up of individuals and businesses providing a service to clients or employers. It consists of the protection and safeguarding of property and persons, and it includes the performance of functions or actions related thereto or supporting these core functions. They go on to describe the industry as being characterized by first, the choice one makes about what s/he wants to pay to enhance one's security; second, determination of who, among the many security companies should provide that service, when to provide it, where to provide it, how to provide it and at what cost; and third, payment for it. Gumedze (2007: 3) notes that while the State/public police are responsible for the maintenance of law and order, they are not necessarily expected to guard private property, install security devices in private property, or control gate booms on private property. Their primary task would be to minimize the exposure of mostly business properties to any possible risks. As already noted, the security guards' tasks must include vigilance against the occurrence of unexpected situations. They therefore, function in a continuous state alertness, identifying and assessing all relevant risks or threats while simultaneously taking the necessary preventative measures to hopefully thwart or avoid such situations. Clearly, the nature of the tasks described above requires highly trained and skilled people.

1.4.1 The Employers and Employer Organisations

The Private Security Sub-sector is regarded as one of the fastest growing sectors in South Africa. Since 1970, the industry has expanded at an average annual rate of thirty percent (30%) (PSIRA, Annual Report: 2006/07). According to the Private Security Industry Regulatory Authority (PSIRA) records, during March 2007, there were 1 083 659 registered individuals (active and inactive) on their database of which 301 586 were active in the industry. These individuals represent all security service providers and not only persons within the guarding sector. Overall, there are said to be 4833 active registered private security companies in 2007 and +\- 10 employers' associations (PSIRA, Annual Report: 2005/06). These enterprises provide services that include the protection and

safeguarding of persons and assets, and reaction to, and investigation of incidents. Employers of in-house security staff include organisations such as Eskom, Telkom, the Reserve Bank, the Atomic Energy Board, mines, the retail industry, local government and national government departments (Gumedze, 2007: 5).

Private Security service providers range from large organisations with hundreds of offices nationally and thousands of employees, to small individually owned operations, most of which are owner managed (SASSETA, Database of Levy Payers: Access<www.sasseta.org.za*: Retrieved: 13 April 2007).* ADT, Elvey Group, Fidelity Group, Chubb Security, and G4S Security are the top five big companies in the industry. Most of the private security companies are for profit. Voluntary organisations, which are not-for-profit usually, rely on charitable funds and contributions by communities. These security companies include community policing fora. In some areas unemployed youth come together to form vigilante groups while in others neighborhood watch groups by property owners through associations are formed by homeowners. Traditionally, most private security company owners and management have been white and special response units have been staffed mainly by white people (ISS, Monograph No 39: 1999). The establishment of black-owned companies, initiatives by some larger companies to sell shares to black-owned businesses, and affirmative action policies are having an impact on the racial divide in the industry.

Management structures and capability are relatively well developed in Private Security companies. In contrast, management structures and capabilities are generally under-developed in small private security companies. The owner and family members are often both managers and operators that employ few and outstretched staff so as to save costs. These security companies are largely self-reliant in management. Given the quality assurance demands set by the Private Security Industry Regulatory Authority, they are being regularly monitored and charged if they are found flouting legislation. In all companies, the tendency has always been to put professional qualifications and skills before management skills. However, there are increasing pressures for the up-grading of managerial skills and competency (SASSETA, SSP: 2005/10).Most Private Security

companies are affiliated to Employer Associations. These Employer Associations can be grouped as follows:

Table 1/1: Private Security Sub-sector Employer Associations

Associations that are open to all employers:
Security Services Employers Organisation (SSEO);
South African National Security Employers Association (SANSEA) and
Security Industry Association of South Africa (SIASA).
Professional Security Council (PSC)
Security Association of SA (SASA)
South African Institute of Security (SAIS)
Associations specific to certain demographic groupings:
South African Black Security Employers Association (SABSEA).
Associations that are specific to particular parts of the industry:
The South African Intruder Detection Service Association (SAIDSA), representing the electronic and armed response components;
The Locksmith Association of South Africa.
Chamber of Mines (COM)
Consumer Goods Council (CGC)
Electronic Security Distributors Association (ESDA)
Exhibition Association of SA (EXSA)
Service Dog Operators Association (SDOA)
Associations representing vested interests:
Small Employers' Security Association (SESA) who represents small business interests in the industry
VIP Protection Association of SA (VIPPASA)
Associations specific to regions:
Western Cape Security Association (WECSA); and

Northern Province Security Association (NOPSA).

(Source: SASSETA Constitution: 2005)

The above mentioned employer associations were signatories to the wage and other conditions of employment agreement entered into following the negotiations within the Private Security Sub-sector as defined in Sectoral Determination 6 (SASSETA Constitution: 2005). The 17 security associations listed above reflect the fragmentation of the industry.

Most of these associations were part of the South African Security Federation (SASFED) which was formed in 1986 following an appeal by the then Minister of Law and Order, Louis le Grange, for the industry to set up a co-coordinating structure. They are now under the Security industry Alliance (SIA), an active dynamic body which represents the interests of the industry at all levels. The SIA has been instrumental in creating submissions to government on numerous topics affecting the interest of the industry. It is a body that maintains a watchdog status and representative role for the entire Private Security Industry (The South African Private Security Industry: 1999: 3)(Access<http://www.issafrica.org Monographs/No39: *Retrieved: 20 May 2007*). The Security Industry Association (SIA)'s goal is to take the issue of interaction with government seriously and to build bridges with government departments.

This association also believes that it should work together with government on security issues as they have the same objectives. The SIA's philosophy is that there must be a properly regulated industry with a positive image and they aim to be the vehicle which will achieve this noble goal.

1.4.2 THE LABOUR AND LABOUR ORGANISATIONS (TRADE UNIONS)

The profile and character of the sector has undergone significant changes in the 21st century. A large group of people with combat experience who fought both for and against apartheid found a natural home in the private security. Also, many Private Security companies regarded the recruitment of personnel with previous security background as

desirable. These were the former military and police personnel. As a result, their involvement has had an effect on the profile and structure of training and even on the uniforms of private security companies in South Africa (The South African Private Security Industry: 1999: 1) (Access<http://www.issafrica.org/Pubs/Monographs/ No39: *Retrieved: 20 May 2007*)

With respect to job grading, the Private Security Industry Regulatory Authority (PSIRA) prescribes different levels of training within the private security industry. The type of work in relation to salary, is prescribed by the Department of Labour in terms of the Labour Legislation. The Sectoral Determination 6 refers to the following security officers:

Table 1/2: Description and responsibilities of Security Officer, Grade A

"**Security Officer, Grade A**" means an employee who performs any one or more of the following duties:
(a)   advising or reporting on any matter affecting guarding or protection services;
(b)   assisting in the screening of candidates for employment;
(c)   assuming responsibility for staff training;
(d)   drawing money or cheques or taking possession of negotiable documents;
(e)   drawing money at banks or similar institutions;
(f)   guarding or protecting goods;
(g)   supervising subordinate staff;
(h)   who may drive a motor vehicle in the performance of any or all of the employee's duties; and
(i)   who may be called upon to perform any or all of the duties of a security officer, Grade B;

(Source: The Private Security Regulatory Authority, http://www.psira.co.za)

"**Security Officer, Grade B**" means an employee who performs any one or more of the following duties: namely, supervising, controlling, instructing or training security officers, Grade C, D or E or general workers and reporting thereon to an employer or any other specified person, and who may:–

Table 1/3: Description and Responsibilities of Security Officer, Grade B

(a)	drive a motor vehicle in the course of supervising or controlling security officers grade D or E;
(b)	be called upon to perform any or all of the duties of a security officer, Grade C;

(Source: The Private Security Regulatory Authority, http://www.psira.co.za)

Security Officer, Grade C" means an employee who performs any one or more of the following duties:

Table 1/4; Description and Responsibilities of Security Officer, Grade C

(a)	supervising or controlling security officers, Grade D or E;
(b)	driving a motor vehicle in the course of supervising or controlling security officers grade D or E
(c)	driving a motor vehicle for the purpose of transporting security officers; and
(d)	who may be called upon to perform any or all of the duties of a security officer, grade D.

(Source: The Private Security Regulatory Authority, http://www.psira.co.za)

"Security Officer, grade D" means an employee who performs any one or more of the following duties:

Table 1/5: Description and Responsibilities of Security Officer, Grade D

(a)	controlling or reporting on the movement or persons or vehicles through checkpoints or gates;
(b)	searching persons and, if necessary, restraining them;
(c)	supervising or controlling security offices, Grade E;
(d)	searching goods or vehicles; and
(e)	who may be required to perform any or all of the duties of a security officer, Grade E.

(Source: The Private Security Regulatory Authority, http://www.psira.co.za)

"Security Officer, Grade E" means an employee, other than a security officer, Grade D, who performs any one or more of the duties listed below:

Table 1/6: Description and Responsibilities of Security Officer, Grade E

(a)	guarding, protecting or patrolling premises or goods;
(b)	handling or controlling dogs in the performance of any of all of the duties referred to in (a).

(Source: The Private Security Regulatory Authority, http://www.psira.co.za)

The distribution of security service employees as depicted in Figure 1-1 reflects urban and industrial concentrations. The highest number of workers is in Gauteng which is followed by the Western Cape and KwaZulu-Natal respectively. Factors such as high crime rates in specific urban areas may also contribute to this pattern.

Figure 1.1: Geographical Distribution of Workers in Private Security Industry
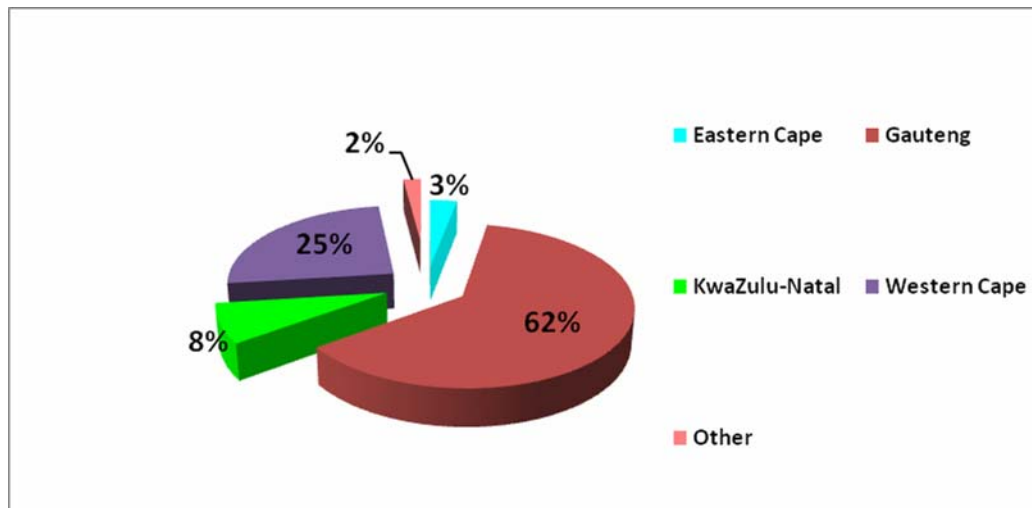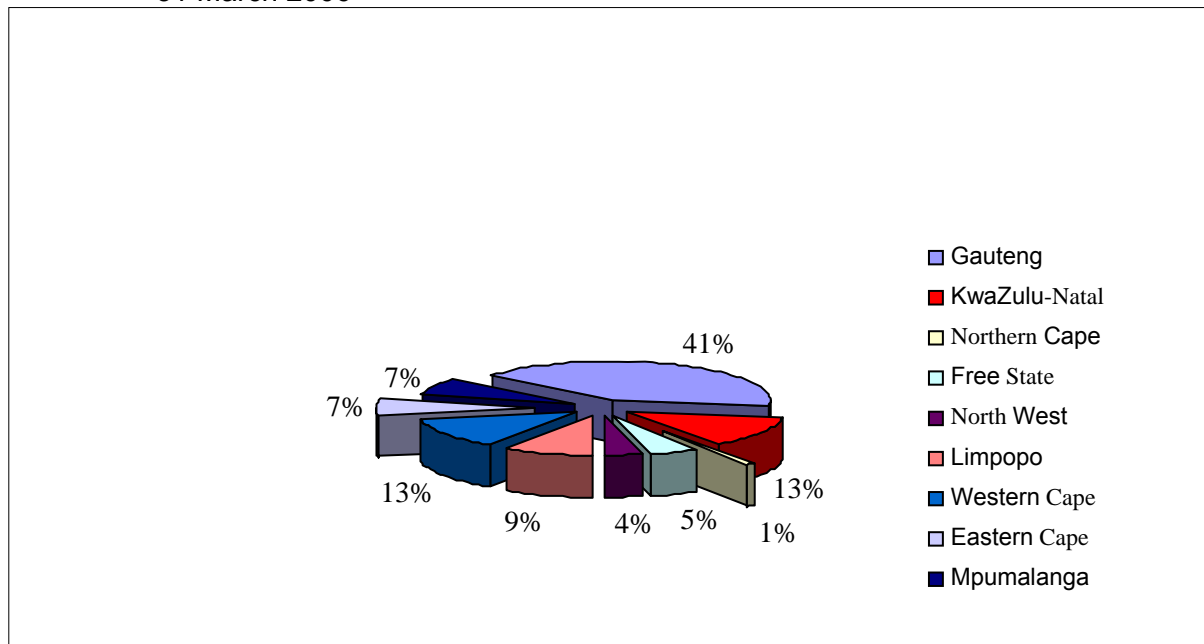

(Source: SASSETA SSPs, 2005/10)

Similarly, Figure 1.2 below depicts a similar pattern to that of Figure 1.1 above in terms of the number of Private Security Officers that are employed within the companies. The lower percentages in Figure 1.1 and Figure 1.2 could be attributed to PSIRA's stringent registration requirements. The Private Security Industry Regulatory Authority (PSIRA) is the body that registers Private Security companies. All Private Security companies are required by law to register before they start practising. In turn, they are required to train and register their employees as Private Security Officers.

The data for the graph depicted in Figure 1.2 was sourced from PSIRA and depicts the differences in the distribution of registered Private Security Officers. On the other hand, Figure 1.1 was sourced from SASSETA, whose responsibility is to ensure that companies are accredited for training. The indication is that there are companies that employ officers and fail to register them with PSIRA. In most cases these unregistered officers are usually foreigners who enter the country illegally. Not having work permits renders them as easy recruits for cheap labour.

Figure 1.2: Geographical Distribution of registered Active Security Officers PSIRA on 31 March 2006

(Source: SASSETA SSPs, 2005/10)

From Figure 1.3 below, it is evident that 69% of the workers are under the age of 35. The number of workers in subsequent age groups declines rapidly thereafter. This behaviour may reflect several characteristics of the workforce, such as age restrictions for retirement due to the dangerous nature of the job or a flat organisational structure with few development opportunities, a high labour turnover rate, or even a high death rate. This necessitates interventions that improve employee wellness in the workplace. Such characteristics have a considerable influence on businesses, affecting stability and continuity (SASSETA SSP: 2005/10).

Figure 1.3: Age Distribution of PSIRA Workers on 31 March 2002
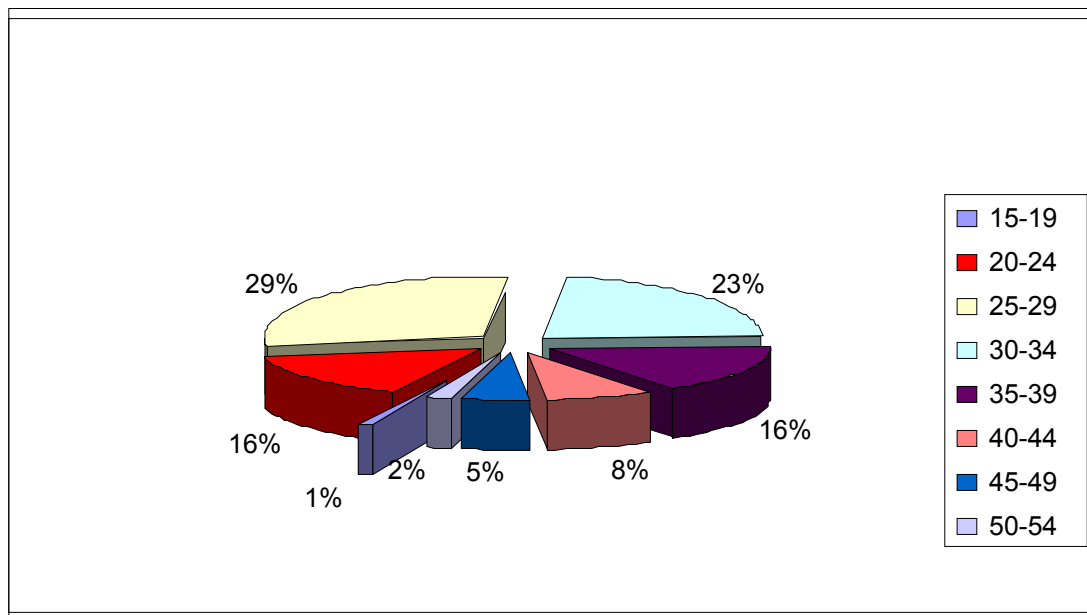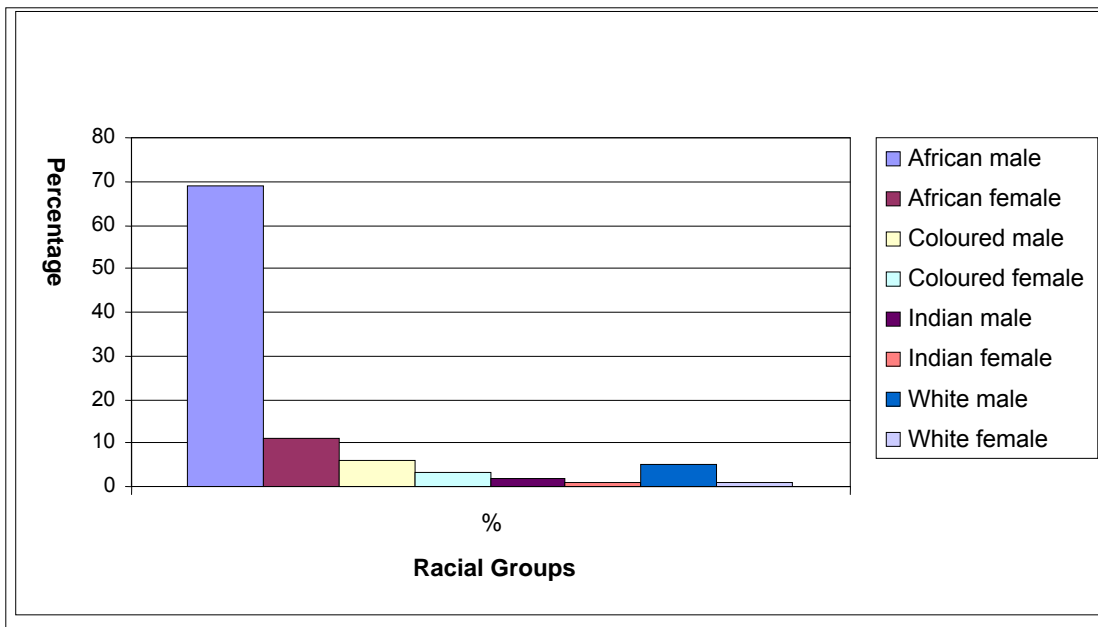

(Source: SASSETA SSP: 2005/10)

The sub-sector's race and gender profile is depicted in Figure 1.4 below. It shows an 88% share of black workers in the industry. Only approximately 11% of the workers are female. Traditionally, most security guards have been black, while the management, owners and special response units have been staffed mainly by white people (Gumedze, 2007: 3). The establishment of black-owned companies, initiatives by some larger companies to sell shares to black-owned businesses, and prescriptions of affirmative action policies are having an impact on the current racial divide in the industry. However, speaking at the launch of the KwaZulu-Natal branch of the South African Black Security Employers' Association (SABSEA) in 1996, the general secretary of the association, Steve Dube, said

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that black people only held 4% of the top positions in the industry (The South African PrivateSecurityIndustry,1999: 1)(Access<http://www.issafrica.org/Pubs/Monographs/No39: *Retrieved: 20 May 2007*). This claim is supported by Taljaard (2008: 75) in his statement that anecdotal evidence suggests that the industry consists mostly of white managers and owners, and the bulk of the employees are black people. Empowerment partners include Reserve-Mvelaphanda, Kagiso, Safika and Corvest who approximately 28% of the sector (De Lange: 2006).

Figure 1.4: Gender and Race Distribution of PSIRA Workers on 31 March 2006

(Source: SASSETA SSP, 2005/10)

The graphs depict the majority of employees in the sector as black males under the age of thirty five (35) years. Females of all races are under-represented with black females as the largest group at 11%. It is argued that the gross under-representation of females in this sector is attributed to the nature of the work, which poses high personal health and safety risks. Another contributing factor could be the prescriptions that are imposed by clients on the composition of the security staff posted at their premises (SASSETA SSP: 2005/10).

The health and safety risks should not be used as an excuse for the exclusion of women in the Private Security Sub-sector as there are other kinds of security work that women can be trained to do without conducting physical contact with the dangerous situation and

causing direct exposure to risk. These include technologically advanced security surveillance systems that feature full-motion and real-time enhanced imaging capabilities. If the sector wants to increase the number of females, as required by the Employment Equity Act, 1998 (Act 55 of 1998) in the employment and in training at the private security workplace, employers should look at other risk and danger free training areas as they do exist.

1.4.3 Products and Services

The industry provides a wide range of services. Many of the services are highly specialised and are often tailored to a specific niche market. These include, but are not limited, to the following three depicted in Figure 1.5 below.

Fig.: 1.5: Contribution of Different Categories of Service to the Value of the
Security Industry
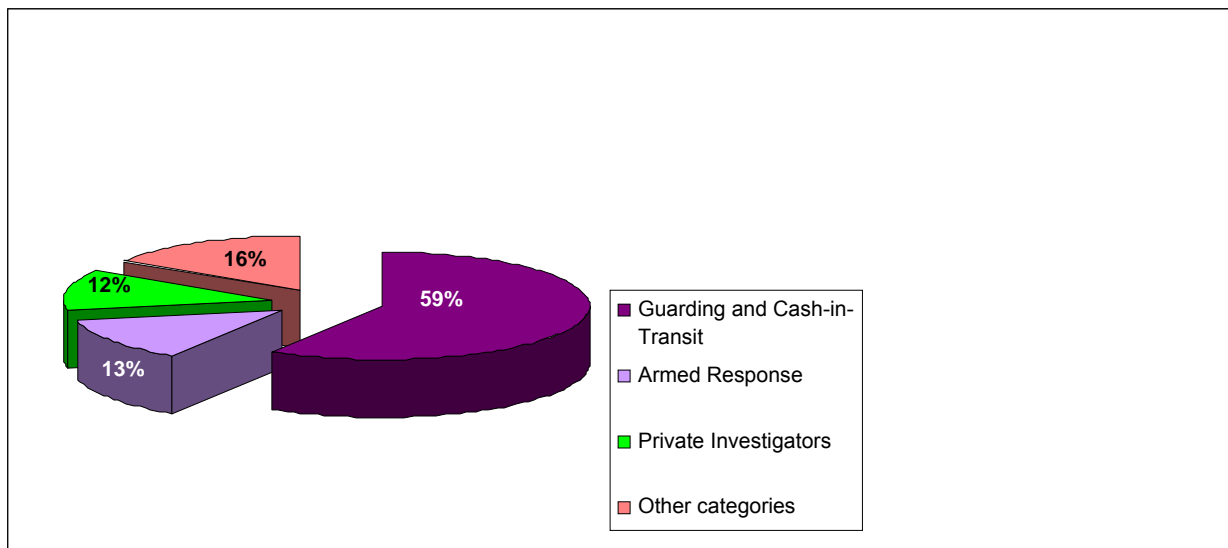
(Source: Institute of Security Studies, 1999)

SASSETA SSP (2005/10: 16) breaks down the main business activities of the sector as including, but not limited to, the following:

vii.   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.

A growing number of 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. Irish (1999:2)(Access<http://www: .issafrica.org/Pubs/Monographs/No39.: *Retrieved: 20 May 2007*), states that telephone tapping and surveillance and the use of disguises and decoys are methods that are favored by most private investigators. Linked to this field of security are electronic specialists who provide the equipment to perform these functions. Electronic specialists sell equipment to government officials, large corporations and private investigators. A number of private investigators are erstwhile police or intelligence personnel who worked for the previous government, or people who served in such capacities in other countries. Some, currently serving in the police or official intelligence structures, also moonlight as private investigators. It is not uncommon for such people to make use of state resources, including fingerprint files and criminal record registers to further their investigations (The SouthAfricanPrivateSecurityIndustry,1999:2)(Access<http://www.issafrica.org/Pubs/Monographs/No 39.1999: *Retrieved: 20 May 2007*). The use of this kind of equipment requires the service providers to register with the Private Security Regulatory Authority (PSIRA) according to the PSIRA Act, 2001 (Act 56 of 2001).

Private investigators and risk consultants are often considered the most shady and unscrupulous members of the private security industry. The more established operators blame this reputation on *fly-by-night* operators who enter the industry in search of easy money (The South African Private Security Industry, Irish, 1999: 2) (Access<http://www.issafrica.org /Pubs/Monographs/No 39.1999: *Retrieved: 20 May*

2007). There are some extremely professional private investigators with years of investigative experience. However, the majority of investigators have little, if any, formal training in detective work. This lack of experience contributes to a general lack of professionalism within this component of the industry and accounts, at least in part, for the bad reputation of this service as a whole. According to the Security Officers' Board, some 652 private investigators and risk consultants were registered with the Board in March 1999. The number of people operating in the industry at any one time may be as high as 2000, the majority of whom are, however, *fly-by-night* operators (The South African Private Security Industry, 1999: 3) (Access<http://issafrica.org /Pubs/Monographs/No 39.1999: *Retrieved: 20 May 2007*).

Some private investigators argue that there is a need for their service to be like that of the private security providers. Many, however, argue that regulatory legislation applies to private security only for the physical protection of clients, and that private investigators perform a different function which does not fall under the provision of physical security. In the US, private investigators and risk consultants are one of the most regulated components of the private security industry (The South African Private Security Industry, 1999: 3) (Access<http://www.issafrica.org/Pubs/Monographs/ No 39.1999:. *Retrieved: 20 May 2007).* This regulation occurs through a licensing system whereby the authorities of the state in which they operate license every private investigator. In a number of states, such licenses are annually renewable.

In some cases, private investigators also operate as debt collector and tracing agents. The number of private investigators and risk consultants is growing at a rapid rate. As Hazel Friedman, an investigative journalist who has worked closely with a number of private investigators puts it, "the prying game has become a career for a growing number of South Africans" (Security Focus, 2007: 32). Lawyers regularly use the services of investigators to trace witnesses or obtain information that may be vital to their clients' case. Businesses make use of private investigators to counter economic espionage. They also enlist the services of risk consultants to advise them on security related matters.

viii.   Armed Response

This service entails the installation of electric security systems linked to a central control room, which is responsible for deploying armed response personnel when required. Armed response companies usually work within defined geographic areas. This enables them to respond quickly to emergencies.

The armed response is by far the largest in terms of service users, employers, and employees. The next largest group is vehicle security. Some way behind in terms of size are the Electronic and In-house Security groups, with Physical Protection and Perimeter Security being the smallest groups (ISS Monograph No 39: 1999). Estimations were that by 2006, the number of security companies would be 4,200 across the country, while PSIRA indicated the number of registered security companies to be just under 5000. These figures clearly show how fast the industry is growing. However, figures obtained from the PSIRA show an interesting fluctuation in the number of registered active security businesses, which does not correspond with the growth patterns shown by the steady growth in the number of registered active employee security officers. Supply and demand dynamics are fuelling the growth of the Private Security Sub-sector. With crime remaining as a high priority issue, many South Africans will turn to private security companies for their protection (Taljaard, 2008: 77).

The armed response component has grown steadily during the past decade. While armed response companies do not employ as many personnel as the guarding industry, they service more clients. In March 1999, some 673 armed response businesses were registered in South Africa. This service entails the installation of electronic security systems linked to a central control room, which is responsible for deploying armed response personnel when required. Armed response companies usually work within defined geographic areas. This enables them to respond quickly to emergencies. (The South African Private Security Industry, Irish: 2) (Access<http:// .issafrica.org/ Pubs/Monographs/No39.199: *Retrieved: 20 May 2007*).

ix.   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 (The South African Private Security Industry, Irish: 2) (Access<http://www.issafrica.org/Pubs/Monographs/No39.1999: *Retrieved: 20 May 2007*).

There are several specialised branches within this category that are closely related and aligned to specific characteristics of the transport industry. In addition to these services, the services listed below are also provided in the sector:

x.   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 and any other events that draw large crowds of people in one place.

xi.   Electronic Security

The electronic hardware component includes advice on security equipment, installation, repairing and maintenance of alarms and other security equipment.

xii.   Close Protection Services (bodyguards)

The Close Protection Services (bodyguards) component involves implementing all necessary tasks and related activities by trained professionals in order 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.

Security equipment referred to above include, inter alia, the following:
   _ Alarm systems;
   _ Safes and /or vaults;
   _ Satellite tracking devices, CCTV and other monitoring devices;
   _ Devices used for intrusion detection, access control, bomb detection, fire detection, metal detection and x-ray inspection; and
   _ Locksmith equipment (http://www.psira.co.za)

1.5   LABOUR MARKETS

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, as

demonstrated in Figure 1.2. 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. 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).

Wages for private security guards are among the lowest in the country and in our case studies ranged from R1000 – R1500 per month. A 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, a number of 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 a large number of 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, with the exception of 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 a majority of workers that are at NQF Level 3, with 32.68% of the total workforce represented at this level (SASSETA SSP: 2005/10). 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 in Addendum 2. 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.

1.6   SKILLS AND SKILLS SHORTAGES

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 the majority of 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.

1.7   SCOPE OF THE INDUSTRY

In March 1999, there were 5343 active registered security businesses and 125 000 registered employed security officers in the Private Security Sub-sector in South Africa, the majority of which were guarding and in cash in transit. In March 2008 the figures recorded by PSIRA are 5504 active registered security businesses and 339 108 registered active security officers.
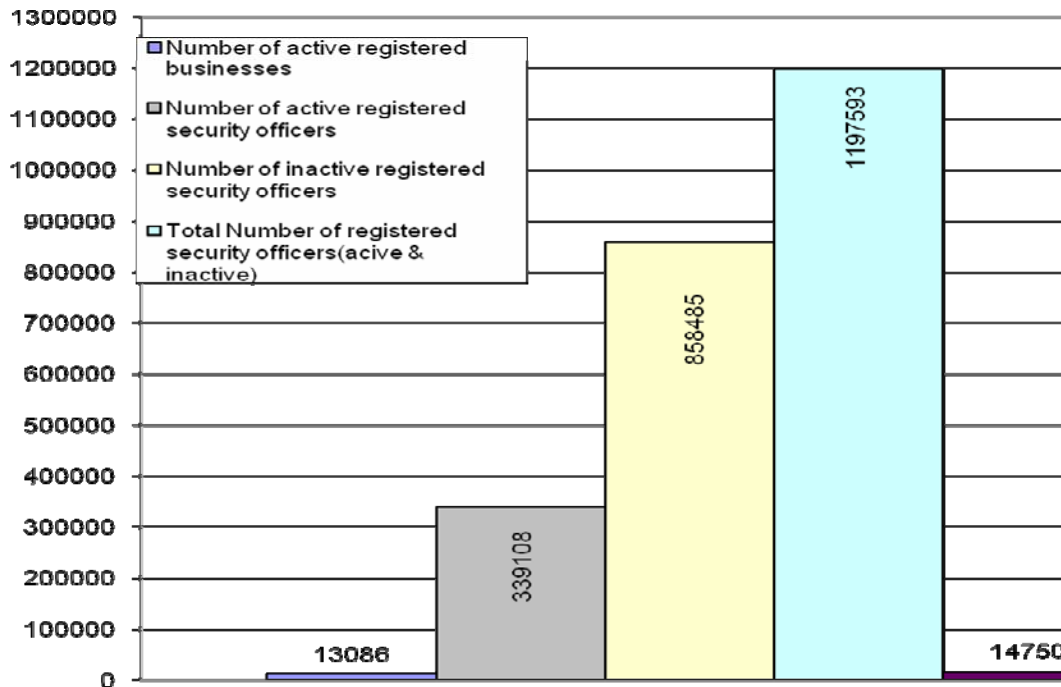
Table 1/7: Companies registered with the Private Security Industry Regulatory Authority in 1999

Security businesses registered with the Security Officers' Board	Number of registered companies
Guarding, and cash in transit	3174
Armed response	673
Private investigations	652
Other categories	844
Total	5343

(Source: Figures supplied by Security Officers' Board, March 1999).

As the demand of the security industry shifts, so does the size of the industry. The PSIRA Annual Review for 2007/08 reports fluctuations that culminate in a large number of security service providers registered in 2008. Over a period of nine years the increase of private security businesses has been 2, 9% while that of private security officers is 63%. Although there has been a steady increase in the number of private security businesses, the number of private security officers has increased much more drastically. The actual number had increased to 1 197 593 with a huge number (858 485) of registered members inactive. Below is a historical comparison of the security service provider registration statistics that gives a graphical picture of the growth of the sector over a period of seven years.

Fig 1.6: PSIRA Registration Statistics of Private Security businesses and security officers as at 31 March 2008.

Legend:
- Number of active registered businesses
- Number of active registered security officers
- Number of inactive registered security officers
- Total Number of registered security officers(acive & inactive)

Values: 13086, 339108, 858485, 1197593, 14750

(Source: PSIRA Annual Report, 2007/08)

Table 1/8: Specific markets utilizing electronic security services, and the proportion of total market value of each sector:

Markets	Proportion of total market value of electronic security services
Public sector	10,0%
Commercial sector	29,8%
Industrial sector	19,5%
Domestic sector	38,3%
Unspecified	2,0%

(Source: Figures supplied by Security Officers' Board, March 1999)

Figure 1.7: Security Service Provider Registration Statistics (2001-2008) – Historical Comparison

SECURITY SERVICE PROVIDER REGISTRATION STATISTICS (2001-2008) - HISTORICAL COMPARISON
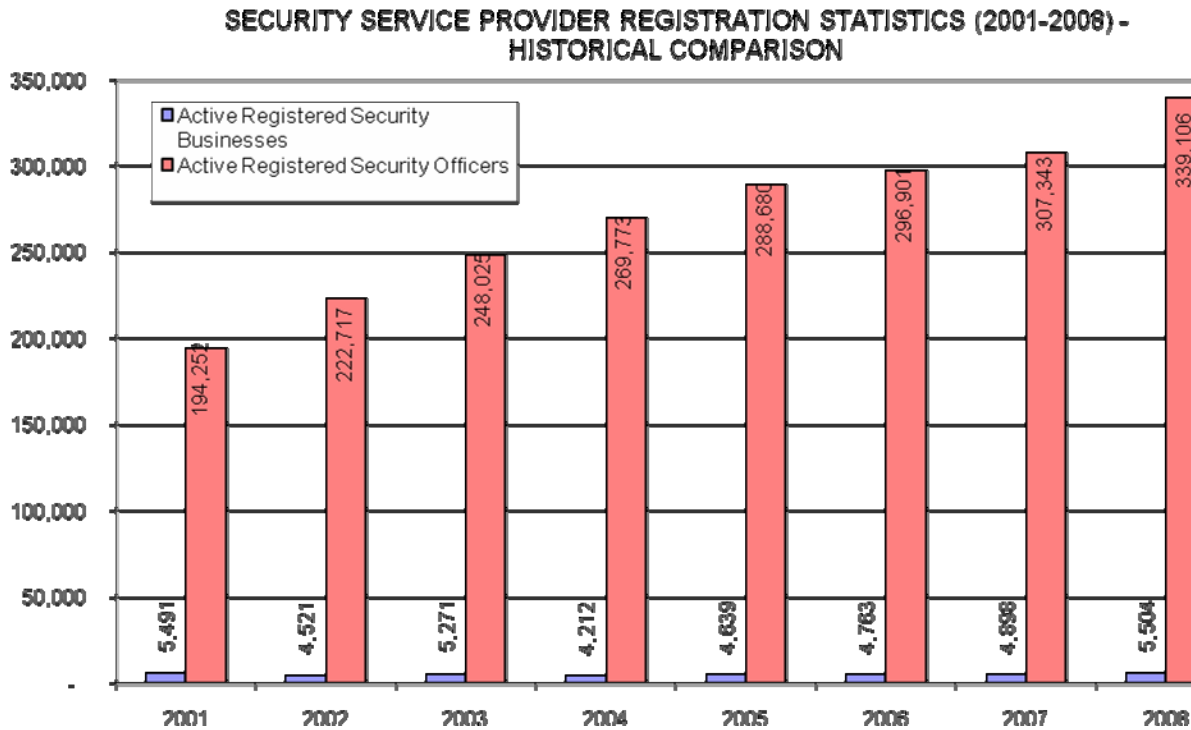
(Source: PSIRA Annual Report; 2007/08)

The guarding component guards fixed assets and property such as buildings, shopping complexes and schools. Other services offered by this sector include the patrolling of privately owned public spaces and the policing of strike action. In March 1999, some 125 000 guards were employed in this sector. The figure fluctuates according to the commercial contract needs of guarding companies.

The stakeholders of the private security industry came up with the above-mentioned plan as a working document that was to guide future education, training and development initiatives of the sector. Areas identified for priority attention were:

Table 1.9: Areas of Education and Training Prioritised by the Private Security Sub-sector

Security Management
Security Operations: General
Security Operations Specialist
Education, Training and Development Practice. Creation of Opportunities for Disabled persons
Adult Basic Education and Training
Accounting, commercial and information technology
SMME Development
Firearms training

(ETD Plan submitted to SASSETA by SIA for funding March 2007.)

According to the above-mentioned Education and Training Development (ETD) Plan when the stated initiatives are costed with projections from 2006/7 to 2010/11 the total cost is approximately R171m with the category Security Operations: General, being by far the major cost item. This figure is confirmed by Taljaard (2008:79) in his discussion with Gremick, one of the largest private security companies in South Africa that between R125 and R157m is required by the private security sub-sector to meet its training needs and thus discharge its duties professionally. The General Security Officer learnership that is quality assured by SASSETA is regarded as the back-bone learning programme in the industry.

Training in the private security sub-sector is implemented in terms of the Training Regulations made under the Private Security Industry Regulatory Authority Act, 2001 (Act 56 of 2001). According to these regulations, the PSIRA performs its functions in terms of this regulation after such consultation with the South African Qualifications Authority (SAQA), the Safety and Security Sector Education and Training Authority SASSETA or with any other statutory body, as the Authority may deem necessary. Thus, the SASSETA as the custodian of the qualifications and Unit Standards listed below has been accredited by SAQA to assure the quality of training of the Private Security Sub-sector in these qualifications and Unit Standards.

Table 1.10: Qualifications/unit standards for which SASSETA is accredited by SAQA

Title of Qualification	Level	ID No
National Certificate in Security Practices: Electronic Security	Level 4	22110
National Certificate in Security Practices	Level 3	22490
National Certificate in Security Practices	Level 4	22491
National Diploma in Security Management: Electronic Security	Level 5	22111
National Certificate in Security Practices	Level 3	22490
National Certificate: Multi – National Safety and Security Operations Management	Level 5	49337
Certificate in Security Practices	Level 1	22489
Certificate in Basic Security Practices	Level 2	17214
Certificate in General Securities Practices	Level 3	22490
Certificate in Specialist Security Practices	Level 4	22491
Certificate: Basic Security Practices	Level 2	17214
National Certificate: Locksmithing	Level 3	50541
National Certificate :Dog Handling	Level 5	50102
Firearms		
Handle and use a handgun	Level 3	119649
Handle and use-a self–loading rifle or carbine	Level 3	119650
Handle and use a manually operated rifle or carbine	Level 3	119651
Handle and Use a Shotgun	Level 3	119652
Demonstrate knowledge of the Firearms Control Act 2000 (Act 60 of 2000) applicable to possessing a firearm	Level 3	117705
Further Education and Training Certificate :Firearms maintenance	Level 4	49739

(Source: http//www.sasseta.org.za

Research conducted by the SASSETA revealed that there are skill deficiencies in the sub sector. The Private Security industry is feeling the impact of new technology in some sectors, especially in the electronic security sector (SASSETA Sector Skills Plan: 2006 Review) (Access< http//www.sasseta.org.za.: *Retrieved: 13 April 2007*). There is a shortage of technicians with electronics skills, particularly as the industry competes with other industries for these skills and finds that skilled technicians are poached by other industries. The demand for electronic technicians reflects an underlying need for

mathematics and science skills at secondary school level, since these are the pre-requisite for entry into technical occupations.

There is also a shortage of qualified locksmiths. In addition, a great demand for management skills exists in the sector, especially for management skills, which can be customised for the sub-sector. The sub-sector also requires generic skills, such as, communications skills, literacy, numeracy, and problem solving skills in order to make appropriate decisions in the field. Similarly to their counterparts in the SAPS, security guards must be able to exercise judgment in the field and make the appropriate decision to suit the context (SASSETA Sector Skills Plan: 2006/07: 45) (Access<http://www.sasseta.org.za: *Retrieved: 13 April 2007*). It is expected that the 2010 Soccer World Cup will boost demand for electronic monitoring and event security and thus these skills are rendered more important. The Soccer World Cup is expected to heighten demand for event security and VIP protection and, consequently the skills which are needed for these functions.

During the early part of 2006 a survey was conducted in order to establish the education, training and development needs of the Private Security industry. This need was necessitated by the fact that the regulatory training standards for the industry had not been reviewed for approximately 15 years. There was a feeling that current training standards did not address the wider skills needs of the industry including management, transformation and integration of disabled persons (SASSETA Sector Skills Plan: 2006/07: 26) (Access< http://www.sasseta.org.za: *Retrieved: 13 April 2007*. It was further felt that current training standards did not address the skill needs of specialised stakeholders, such as, Civil Aviation, Ports Authority, and Events Management. It was also recognised that a major initiative was needed in the education, training, and development area if the industry was to transform itself into a credible and effective part of safety and security enforcement in South Africa.

1.8 CONCLUSION

Training and skills development is one of the best strategies to achieve economic, social and environmental sustainability within a company. As the Private Security Sub-sector continues to grow at an accelerated pace, it presents new and interesting opportunities not only for the South African economy but also for South African citizens and permanent residents. On the positive side, South African citizens are now exporting their military and security related skills beyond the South African borders and benefit greatly from this source of foreign investment. As one of the largest employers, the Private Security Sub-sector contributes to increased employment levels and poverty alleviation. That said, there also exists a potential danger of these private security companies being infiltrated by criminals that actively partake in criminal activities, as has already been proved in some heists and robberies. Some South African operatives have been apprehended engaging in unscrupulous behavior as mercenaries outside the South African borders. After all, they have the capacity and expertise to undertake such tasks, as some of them are mostly former members of the South African Defense Force.

The very fiber of South African society is currently under siege, given by the explosion of crime in our country. A well skilled private security component can have a massive impact in the eradication of this threat.

CHAPTER 2

RESEARCH METHODOLOGY

2.1 INTRODUCTION

According to Schumacher & McMillan (1993:26) research provides a better source of knowledge and decision making than personal experience, beliefs, tradition, logic or intuition alone. It is a process to develop reliable educational knowledge which involves identification of research problems, empirical studies, replications research synthesis and practitioner adoption and evaluation. Booth, **et al.,** (1995: 6) defines research as a systematic process of collecting and logically analyzing data for some purpose. To Botha & Engelbrecht (1992: 18) research is simply the gathering of required information to solve a stated problem. Botha & Engelbrecht (1992: 18) add that, while science refers to the system of scientific knowledge, research refers to the process by means of which a system of this nature is established and extended. In the final analysis, research is a systematic way of conducting an investigation

This chapter deals primarily with the research methodology and issues that have relevance to the investigation. Methodology is an important component or aspect of a research process. By methodology it is meant the science of the methods of the research process. This includes the assumptions and values that serve as a rationale for research standards and criteria the researcher uses for interpreting data and come to conclusions. Blaxter **et al.,** (1996:78) argue that thinking methodologically can significantly enhance research, because it provides a better appreciation of the advantages and disadvantages of particular methods, on their own or in combination. It allows a researcher to relate it to similar projects undertaken by other researchers and it may provide an interesting perspective on the research. Also, this approach provides a range of possible research strategies, approaches and techniques available to the researcher in undertaking research (Blaxter **et al.,** 1996: 78).

Schumacher and McMillan (1993: 72) postulate that all research begins with a problem statement and usually involves literature review which is used to enhance the study.

Different methodologies and designs provide different kinds of knowledge about educational practices and in some studies provide complementary methods to investigate a research question. After choosing a research problem one must then decide on a methodological perspective that is superior to others for studying it; i.e. the nature of the stated problem should determine the methodology to be used.

Brynard & Hanekom (2006: 28) describe the purpose of research methodology as the strategy for research which is to provide a broader understanding of the way in which the research was conducted. It is said to be done through a description of the research process followed in the study, a presentation of an exposition of the research methods used. Schumacher and McMillan (1993: 23) argue that all research methodologies are valued for their potential usefulness in developing knowledge. They claim that it is misleading to think that some methodology is better than another because each methodology has its own strings and limitations. Different methodologies and designs provide different kinds of knowledge about different kinds of practices.

In this chapter, the research approach selected for the study is outlined and a rationale for selecting the particular method chosen is explained. The chapter will also explain the significance of the study while sharing the limitations experienced in the study as well. The study is qualitative in nature using a case study design. Every attempt was made to ensure the validity and reliability of the research information collected in the course of the study. The qualitative part of the research provides a general context on the public administration principles that are employed in the South African Private Security Sub-sector as a management instrument for policy development, implementation and evaluation. The quantitative aspect is the investigative facet which provides an in-depth analysis of the implementation and evaluation of policy to reveal its effectiveness in the South African Private Security Sub-sector. The focus in this respect is on the implementation of the legislative framework for skills development in the private security sub-sector, its challenges as well as an examination of the extent to which it has been effective in improving workforce skills.

2.2 DESCRIPTION OF RESEARCH PROCESS AND DELINEATION OF STUDY

Winfred Arthur Jr. **et al.,** (1998: 45) assert that training is one of the most pervasive methods for enhancing the productivity of individuals and communicating organizational goals to personnel. Given the importance and potential impact of training on organizations and the costs associated with the development and implementation of training, it is important that both researchers and practitioners have a better understanding of the relationship between design and evaluation features and the effectiveness of training and development efforts. Organizations are to refocus their efforts and deepen their focus on the effectiveness of their training. As such, this requires meaningful reflection that is based on evidence of what they are actually achieving in their training.

This study is a qualitative research using a case study design and is descriptive in nature. The data analysis focuses on a single phenomenon, which the researcher selects to understand in depth regardless of the number of sites for the study. It is concerned with the current status of a situation. The information obtained has been acquired from using both qualitative and quantitative research methodology. Numerical data was collected and used to analyse results. Descriptions and interpretations are portrayed with words and numbers to elaborate the findings identified in the qualitative analysis.

A qualitative study approach was thought to be appropriate for this study as it describes existing achievements through asking questions, such as, what is, and it reports things the way they are. It is concerned primarily with the present and does not involve manipulation of independent variables. The first stage in the research process was to identify the research problem. The research method chosen was determined by the problem statement as encapsulated within the title which is the identification and demarcation of the field of study. The qualitative case study approach requires the conducting of in-depth analysis of information obtained from different sources of data using triangulation.

2.3 CLARIFICATION OF KEY CONCEPTS AND TERMS

Etymological explanations of key concepts and terms that are used in this study are given below. Sources consulted for such explanations are given in the text as well as at the end of this manuscript as references. The literature search encompassed studies published in journals, books or book chapters, conference papers and presentations, dissertations and theses that were related to the evaluation of an organizational training programme or those that measured some aspect of the effectiveness of organizational training. An extensive literature search was conducted to identify empirical studies that involved an evaluation of a training programme or measured some aspects of the effectiveness of training.

Case Study

A case study is defined as an empirical inquiry that investigates a contemporary phenomenon within its real life context; where the boundaries between phenomenon and context are not clearly evident, multiple sources of evidence are used (Yin, 1989: 23; 1984: 23). Patton & Sawicki (1993: 220) define the case-study approach as an evaluation method that attempts to describe the operation as understood by participants. According to Schumacher & McMillan (1993: 545) case studies are frequently used for policy research because they can be designed to give a more global analysis of the situation. Case studies provide a more complete understanding of a complex situation, identify unintended consequences, and examining the process of policy implementation, which is useful for future policy choices. Case studies are systemic and process orientated (Dyer, 1995: 48) as they explore the nature of a process that has occurred over time within a particular context.

This particular case study emphasizes detailed contextual analysis of a limited number of events or conditions and their relationships in training situations. The case study research method was therefore used as a dialogue with policy with the intention of challenging or supporting the present policy framework in the light of the practical experience of implementing policy in the Safety and Security Sub-sector.

Effectiveness of Policy

Effectiveness of policy refers to the extent to which set policy objectives and other intended effects are achieved (Erridge **et al**., 1998: 32). Patton & Sawicki (1993: 220) define effectiveness as an evaluation criterion which measures whether the policy or programme has its intended effect. Burch & Wood (1983: 181) state that any evaluation of the degree of success in carrying out the policy must be based on the objectives of that policy. They further claim that, unless we know what was intended, we cannot judge whether or not a policy has succeeded. Judgments about effectiveness can only be made on the basis of stated policy objectives, and confidence in any judgment must depend on both the rigours of the analysis and the extent to which there are clearly stated policy goals.

Chelimsky & Shadish (1997: 277) assert that studies and evaluations of effectiveness are often static, answering the question of what happened? Did a certain type of implementation lead to the achievement of the project's goals? They argue that answers to such questions contribute to the ability to implement necessary changes at the right time and with minimum resources.

Effectiveness Indicator

Miles (1989: 16) defines an indicator as a measuring instrument used to give concrete, measurable but indirect value to an otherwise immeasurable, intangible concept. It can therefore, be deduced that an indicator gives an approximate value or indication of what one is looking for. On one hand, all effectiveness indicator is an evaluation criterion (Patton & Sawicki, 1993: 220) which measures whether the policy or programme has its intended effect. On the other hand, the Collins English Dictionary (1989: 766) defines impact as to have an impact or strong effect. In this regard effectiveness and impact could mean the same thing and can be used interchangeably. According to the NQF Impact Study Report 2 (2005: 81) an impact indicator is a policy relevant quantitative and and/or qualitative statistic designed to provide a profile about the current condition, the stability or change,

the functioning, and/or the effect of the Skills Development Legislative Framework on the transformation of education and training in the Private Security Sub-sector in South Africa.

Impact indicators can be grouped under social Impact indicators, which is a broad category of analysis that can be used (Cloete **et al,.** 2006: 264) to explain this relatively intangible change more accurately. Social Impact Indicators are indicators that are subjectively perceived or objective changes in individual and community profiles, status, values, institutions and behavior patterns, including personal development levels, conflict, cohesion, networks, mobilisation, participation, mobility, stability, family life, youth development and crime (Cloete, **et al,.** 2006: 264).

Efficiency

Efficiency refers to a state of being efficient, functioning or producing effectively and with the least waste of effort, time and expense (Collins English Dictionary, 1998:488). Patton and Sawicki (1993:212) assert that the concept of efficiency is related to effectiveness but warn against confusing the two as maximum efficiency may not occur at the same point where effectiveness is achieved. Efficiency may be high or low. In monetary terms, efficiency can be measured in a currency (costs) per unit of output (benefit). Cost-benefit analysis is a more versatile tool for measuring efficiency (Patton & Sawicki, 1993:213). It involves the evaluation of alternatives according to comparison of both their costs and benefits when each is measured in monetary terms (Levin, 1984:21).

Successful

Collins English Dictionary (1989:1521) defines the term succeed as to accomplish an aim, especially in the manner desired and defines successful as having succeeded in one's endeavors. Goeller in Patton & Sawicki (1993:364) point out that success is often difficult to define and measure because various parties have different goals and perspectives. He cautions analysts to distinguish among three types of success, which are, analytical success (how the study was conducted and presented), utilisation success (how the study was utilized by decision makers), and outcome success (the impact the policy had on the

problem or target group) rather than a single criterion. Patton & Sawicki (1993:364) points out that there is a hierarchy among these types of success, and that analytic success is the foundation for utilisation and outcome success. If the analytical study was of poor quality then the utilisation of the study results is likely to produce little outcome success. In this study, the focus is mainly on outcome success.

Implementation

According to Ripley & Franklin (1986: 4) implementation is what happens after laws are passed authorising a programme, a policy, a benefit, or some kind of tangible output. The term refers to the set of activities that follow statements of intent about programme goals and desired results by government officials. It encompasses actions (and non actions) by a variety of actors, especially bureaucrats, designed to put programmes into effect, ostensibly in such a way as to achieve goals (Ripley & Franklin, 1986: 4). The Collins English Dictionary (1989: 768) defines implementation as to carry out; to put into action or to perform. Burch & Wood (1983: 15) simply define implementation as the carrying out of the policy once formally agreed to or approved.

Learnerships

Learnerships emanate from three pieces of legislation that seek to promote labour market policies by introducing new institutions, high quality programmes and funding policies designed to increase investment in skills development. These laws are the Skills Development Act, 1998 (Act 97 of 1998) the Skills Development Levies Act, 1999 (Act 9 of 1999) and the South African Qualifications Authority Act, 1995 (Act 58 of 1995). The two priorities that the above mentioned legislation seeks to address are the reality of the global economy and thus the imperative to increase skills to improve the productivity and competitiveness of industry, business, commerce and services. The second is to address the challenges of social development and the eradication of poverty.

The Skills Development Levies Act, 1999 (Act 9 of 1999) describes a learnership as a work-based learning programme, combining theory and practice that results in a

qualification. It consists of a planned combination of Fundamental, Core and Elective unit standards which lead to a qualification which is directly applicable to the world of work. A learnership enables a learner to become accredited at a national level in a certain profession, skill, or qualification. Learnerships are intended to produce better skilled people more effectively and to enable them to either create self-employment opportunities or to be employed. A learnership's credit accumulation nature enables a learner to be able to work towards accreditation while still employed and doing the job, profession or skill that they are studying towards.

National Qualifications Framework (NQF)

The National Qualifications Framework (NQF) is described as a set of principles and guidelines by which records of learner achievements are registered to enable recognition of acquired skills and knowledge. It is an integrated system that encourages lifelong learning. The NQF is premised on five objectives and is structured into eight levels and three bands. These are the Higher Education and Training (HET), the Further Education and Training (FET) and the General Education and Training (GET) bands NQF (SAQA, 2000:6).

The purposes and objectives of the NQF as set out in the South African Qualifications Authority Act, 1995 (Act 58 of 1995**)** are to achieve the following:

1. create an integrated national framework for learning achievements;
2. facilitate access to and mobility and progression within education, training and career paths;
3. enhance the quality of education and training;
4. accelerate the redress of past unfair discrimination in education, training and employment opportunities; and
5. contribute to the full personal development of each learner and the social and economic development of the nation at large.

The National Qualifications Framework is characterised by what is referred to as a common thread of ladder-like qualifications framework with credit accumulation and transfer to foster learner and worker mobility (Department of Education & Department of Labour, 2002: 5). The concept of integration is central to the idea of the NQF.

National Skills Development Strategy (NSDS)

The National Skills Development Strategy (NSDS) is the Department of Labour Strategy which seeks to address two priorities, viz: (1) The increase of skills within the country, so as to improve the productivity and the competitiveness of South Africa's industry, business, commerce and services; (2) The inequalities in our society, so as to make it more inclusive and to encourage greater cohesion (SAQA Impact Study Report 2, 2005:97). The first NSDS was for addressing the skills shortage through the NSDS I: 2001 – 2005 which was adjusted and replaced by the NSDS II: 2005 – 2010.

The NSDS represents a detailed performance of Sector Education and Training Authorities and the National Skills Fund initiatives and spells out the national priority areas to which the projected income of more than R21, 9 billion from the skills development levy is allocated over the five year period. It provides the aggregate performance indicators of the skills development system that is used as a basis to formulate performance indicators through legally binding Service Level Agreements with the SETAs and projects funded under the National Skills Fund (NSF). The NSDS plays a critical role in the Accelerated Shared Growth Initiative for South Africa (ASGISA), which aims to half unemployment and poverty by 2014 and sustain a 6% economic growth rate (Powell & Groenmeyer-Edigheji, 2006: 2).

Safety and Security Sector Education and Training Authority (SASSETA)

The Safety and Security Sector Education and Training Authority (SASSETA) was established through the <u>Skills Development Act</u>, 1998 (Act 97 of 1998). Its scope of coverage includes the following industries from the central government and business and personal service industries:

- Policing: National and Provincial Departments of Safety and Security, the South African Policing Services, the Secretariat for Safety and Security, the Independent Complaints Directorate, and the Directorate of Special Operations in the Department of Justice and Constitutional Development, and related services;

- Private Security and Investigation Services: comprising private security, investigation and polygraph services

- Legal Services: comprising legal and paralegal practices;

- Justice: which consists of the Department of Justice and Constitutional Development;

- Correctional Services: consisting of the Department of Correctional Services and private correctional service providers;

- Defence: which consists of the Department of Defence; and

- Statutory Intelligence: which consists of the National Intelligence Agency and the South African Secret Service (SASSETA SSP, 2005/10: ii).

SASSETA's function is articulated in the Skills Development Act, 1998 (Act 97of 1998) as to develop and implement a sector skills plan within the framework of the national skills development strategy by establishing learnerships.

Skills Development Legislative Framework

The National Advisory Council on Innovation (NACI) and the Department of Science and Technology (DST) (2003:4) define skills as the necessary competencies that can be expertly applied in a particular context for a particular purpose. SASSETA Workplace Skills Plan (2005/10) argues that skills are the ability to carry out the duties and tasks of a specific job. Thus, the Skills Development Legislative Framework refers to the important laws affecting skills development in South Africa. These are the Skills Development Act, 1998 (Act 97 0f 1998), the Skills Development Levies Act, 1999 (Act.9 of 1999) and the South African Qualifications Authority Act, 1995 (Act 58 of 1995). These laws were developed to promote employment, alleviate poverty, enhance global competitiveness and accelerate economic growth in South Africa. This they would do by addressing the skills shortage through the National Skills Development Strategies 1: 2000/05 and 11: 2005/10.

Scarce and Critical Skills and Occupations

Powell & Groenmeyer-Edigheji (2006: 4) highlight the importance of definitional clarity around the utilisation of economic terms such as skills, scarce skills and skills gaps. They argue that different understandings of these terms are likely to cloud remedial decision making and lead to different remedial decisions.

Scarce skills and occupations can be regarded as those that are generally in short supply within the labour market. They can also be further defined as insufficient for demand, occurring when demand for any particular skills outstrip supply and are hard to find or come by or rare (Powell & Groenmeyer-Edigheji, 2006:4).

Critical skills are specific skills within an occupation, where the people may in general be in abundance, but the particular skill is lacking among existing workforce. A critical skill is essential, crucial, and decisive or core to the running of a business; it is a skill that the business simply cannot do without (SASSETA Sector Skills Plan, 2006:44).

The Department of Labour Framework for Identifying and Monitoring Scarce and Critical Skills (2005) distinguishes between relative scarcity and absolute scarcity. It explains that scarcity of skills can arise either due to an absolute scarcity of these skills or a relative scarcity. Absolute scarcity refers to suitably skilled people that are not available, for example in a new or emerging occupation (e.g. biotechnology, information technology), a lack of sufficient numbers of workers with specific skills, or insufficient numbers to satisfy replacement demand. Relative scarcity, on the other hand, refers to a situation where suitably skilled people exist, but do not meet other employment criteria, for example they live in different geographical areas, or do not satisfy Black Economic Empowerment criteria.

2.4 STATEMENT OF THE RESEARCH PROBLEM

Key skills shortages, linked with high levels of unemployment and unemployability, remain a serious problem in South Africa. Youth are experiencing hardships of unemployment, and without the skills or ability to start their own micro-enterprises, they cannot survive. Compounding this challenge is what S. Macozoma, an ANC leader and businessman, mentioned in his speech, whish was delivered to the Swiss Chamber of Commerce South Africa in Zurich:

> *"The fissures we are concerned with here are those that highlight the continued disadvantage of being black, living in a rural area, being black and female, being disadvantaged by geographic location that often coincides with identity, being impacted upon by dysfunctional state services such as health, education, and access to land; ………Industrial based employment has diminished in South Africa as a percentage if total employment in the past 20 years. Service-based employment has grown in the same period, but it requires higher levels of education in a situation in which the education system, especially in school is dysfunctional. The result is high unemployment and a serious skills shortage at the same time"* (4 November, 2008).

The low rate of employment among school leavers of whom the majority are Africans who live in rural areas encourages these youths to leave rural areas with hopes for better opportunities in urban areas. An investigation by the HSRC in 1981 attests to the fact that the economy has failed to absorb the rising number of school leavers into the formal labour market (HSRC Pretoria, 2000).

Babb & Meyer (2005: 3) argue that Black women continue to be the most affected by unemployment, and the unemployment rate in with respect to them is more than seven times that of white males. Clearly, this problem of unemployment and skills shortage among youth, school leavers and black women is a cause for concern as a serious weakness in the basic approach to education and training. It also points to a lack of rigorous, constructive and focused programmes of study to prepare a large percentage of high school learners who are not likely to pursue a higher education programme.

In South Africa there is a general outcry that there is a shortage of skills and that the SETA system has made little or no effect at all on the skills shortage. Consequently the

effectiveness of the legislation that has been developed and implemented by the government is under serious scrutiny due to claims of failure to produce good results. There is a general agreement among practitioners and politicians that South African legislation and policies are among the most progressive in the world. However, their appropriate implementation is a major challenge facing the government (Babb & Meyer, 2005: 3).

South Africa, while burdened by the problem of skills shortages, has to, like all developing counties contend with an ever-increasing gap between growth in the need for skilled labour and the slow development of resources devoted to training systems. But, with the relentless march of globalisation, South Africa cannot afford to fall further behind if it is to survive in a competitive world economy based increasingly on knowledge and skills. Against the above given background, it is critical for South Africa to invest more in Human Resources. This inevitably means not only the allocation of more human and financial resources to market-oriented skills development but also more effective and efficient use of these resources (Department of Labour, Learnership Regulations: 2001).

Rapid industrial transformation and structural changes are taking place globally. As a result the national economy has become increasingly demanding in the quantity and quality of skills it requires. National training systems are strained due to the lack of finances and poor management and are now even under greater pressure as the qualitative demand for the retraining and upgrading of workers exceed their capacity to respond. In other words, South Africa must exercise a sounder management of training systems to achieve its goal of improving workforce skills, productivity and the economy.

In short, the greatest impediment for the Private Security sub-sector which this study is investigating, is the shortage of skilled labour including skilled technical employees (SASSETA Sector Skills Plan, 2005/10), in the face of high unemployment rate and unemployability. The country's past inadequate labour legislation and its skewed human resources policies can be identified as the main factors that can be attributed to the existing skills shortage. The formulation of new human resources policy and the adaptation of labour legislation are supposed to change circumstances in skill development.

Therefore, changes that are brought about by the development and implementation of the skills development legislation need to be investigated and evaluated.

2.5   RESEARCH QUESTIONS

Botha & Engelbrecht (1992: 37) contend that the topic chosen for a research study must offer the researcher the opportunity to make a contribution to existing knowledge. In that regard, mention is made of four such instances as: to gather and present new or improved evidence for supporting or disproving existing concepts, theories and models; to furnish new or improved methodology for research work with respect to both the subject of investigation as such, and the paradigm of its understanding; to conduct new or improved procedures of analysis of the subject and of the topic by virtue of the innovation of new paradigms of understanding and new procedures of investigation; and to postulate new or improved concepts or theories on the topic.

According to Patton & Sawicki (1993: 365) policies fail either because the policy could not be implemented as designed or the policy was run as designed but did not produce the desired results. It cannot be assumed that policies are carried out as designed. There could be places within the organisation where instructions may go astray, and officials must take steps to help guarantee that policies are implemented properly. These actions include ensuring that policy is unambiguously stated, that instructions for administration are clearly and consistently communicated, that trained and informed staff are available and have the authority and incentive to execute the policy, and that staff actions are reviewed.

Now that a government policy context in the form of skills development legislation, which redefines the government's approach to skills development is in place, the questions that need to be asked are:

How has the Statutory Framework for Skills Development to enterprise training of employees been implemented to improve the state of skills in the Private Security Sub-sector?

To what extent has such implementation resulted in skills development in the Private Security Sub-sector?

This study will attempt to answer the above pertinent research questions.

2.6   RESEARCH AIMS AND OBJECTIVES

The basic aim of an effectiveness assessment is to produce an estimate of the net effects of an intervention – this means that the impact study needs to estimate the effect of the intervention unaffected by the influences of other processes and events that might affect the behavior and conditions at which the intervention is directed (SAQA NQF Impact Study Report 1, 2004: 13). This can also mean that the impact study should determine the desired levels of effect of the Skills Development Legislation over and above what would have occurred either without the intervention or with an alternative intervention.

The main focus of this study is to provide an objective appraisal of the implementation of the statutory framework for skills development in achieving intended results within the safety and security sector.   In particular, the objectives seek to conduct an objective appraisal of the implementation of the statutory framework for skills development within the Private Security Sub-sector. This exercise will entail:

a) providing a broad overview of training and development in South Africa in the Pre- and Post-Apartheid eras;

b) mapping and providing an overview of all the existing statutory legislation that is regulating the skills development of the Private Security Sub-sector;

c) discussing the role of the Private Security Industry Regulatory Authority (PSIRA) and the Safety and Security Sector Education and Training Authority as the steering agents for the implementation of the Skills Development Legislation;

d) critical analyses of the effectiveness of the implementation work and legislation through the National Skills Development Strategy (NSDS) in the Private Security Sub-sector; as well as challenges thereof; and

e) recommending an appropriate implementation strategy that would ensure improvement of results in skill development in the Private Security sub-sector.

2.7   RESEARCH METHODS CHOSEN FOR THIS STUDY

The present study focuses on the period post – 2004, which is characterised by increased legislative revision, development and training design and methodology, and by the use of more comprehensive training and assessment techniques. The focus on qualitative methods for the measurement of impact of legislation and training effectiveness is critical for a qualitative review such as this study. Similar to past public policy development and implementation reviews (e.g., Cloete F. et al., 2006; Cloete J., 1998; Patton & Sawicki, 1993; Botes, **et al**., 1992), the present study reviews policy implementation.

2.7.1 Case study research strategy

Case study is the preferred strategy for this research. Yin (1994: 11) describes case studies as of exploratory, explanatory and descriptive types. Exploratory (exploring what is happening) and explanatory (explaining what is happening) case studies are used to discover causal relationships, whereas descriptive (describing what is happening) case studies provide complete descriptions of phenomena within their contexts. When the focus is on a contemporary phenomenon within some real life context, such a contemporary phenomenon (an explanatory case study) can also be complemented by two order types, namely; the explanatory and descriptive case studies (Yin, 1989: 13).

Exploratory research can increase the researcher's familiarity with the phenomenon in question, and it can help to clarify concepts (Yin, 1994: 11). It can also be used to establish priorities for future research identify new problems and gather information with

practical applications. If little is known about a research topic, one would use exploratory research.

Motivation for the use of the case study method for the current study also comes from Guba and Lincoln (1981: 371) who argue that this approach focuses in the way the policy operates and how participants view the programme. According to them, the purposes of this approach are to develop an understanding of what is valued by participants, to present the diverse views of involved parties, and to describe as clearly and completely as possible the community system before the programme. In addition to the stated purposes, the exact nature of the intervention, how the programme performed, and the new system that resulted are also favoured by this approach.

This study thus uses the case study method to gain insight into the effectiveness of skills development legislation in line with the described purposes of this approach. It is envisaged that the findings of the study will contribute towards improving quality and impact of training, especially in previously disadvantaged learners.

It is worth noting that the greatest concern raised on the case study research strategy has been over its lack of rigour (Yin, 1989:21). It is claimed that the case study investigator tends to allow equivocal evidence or biased views to influence the direction of findings and conclusions. A second common cause for concern about case studies is that they provide very little basis for scientific generalisation as it is not possible to generalise from a single case. In fact, scientific facts are rarely based on single experiments; they are usually based on a multiple set of experiments which have replicated the same phenomenon under different conditions. A third frequent complaint about case studies is that they take too long and result in massive, unreadable documents

2.8   RESEARCH DESIGN

A research design is the logic that links the data to be collected (and conclusions to be drawn) to the initial questions of the study (Yin, 2003: 19). It refers to the plan and

structure of the investigation used to obtain evidence to answer research questions (McMillan & Schumacher, 1993: 31). The research design also describes the procedures for conducting the study, including when, for whom and under what conditions the data is obtained. In other words, design indicates how the research is set up: what happens to the subjects and what methods of data collection are used. The purpose of a research design is to provide the most valid, accurate answers possible to research questions. Since there are many types of research questions and many types of designs, it is important to match the design with the question.

It can be argued that research design is a very important part of an investigation, since certain limitations and cautions in interpreting the results are related to each design, and also because the research design determines how the data should be analysed (McMillan & Schumacher, 1993: 31). In this regard, a theoretical premise will be needed on which to base the study or a point of departure, hence, the theoretical premise for this study is that effective implementation of policy monitoring and evaluation is critical. Key variables need be noted to determine whether any changes occurred as a result of the implemented policies, so that necessary interventions can be made while implementation is in progress. A review of some theoretical positions on the premise on which the study is based forms the theoretical framework for the empirical study, usually by deriving the hypotheses from one or more of the accepted theories or models (Mouton, 2001: 92).

The basic aim of an effectiveness assessment is to produce an estimate of the net effects of an intervention (SAQA NQF Impact Study Report 1, 2004: 13). It therefore means that the effectiveness study needs to estimate the effect of the Skills Development Legislation uncontaminated by the influences of other processes and events that might affect the behavior and conditions at which the legislation is directed. This can also mean that the effectiveness study should determine the desired levels of effect of the Skills Development Legislation over and above what would have occurred either without the intervention or with an alternative intervention.

It can be further submitted that effectiveness studies are comparative in nature, comparing an intervention with an alternative intervention, or comparing an intervention with a non-

intervention or the status pre and post intervention. Chelimsky & Shadish (1997: 9) outline the purposes of doing evaluations as being, among others, to measure and account for results of public policies and programmes, to determine the efficiency of programmes, projects and their component processes and to gain explanatory insights into social and other public problems and into past and present efforts to address them. They argue that in the case where the purpose of evaluation is to measure and account for results of public policies and programmes, the evaluator is faced with answering the question of whether a particular intervention caused a particular result, or whether a change observed is attributable to the intervention. Thus, in this regard, the evaluator would have to look at the results of the intervention effected through the implementation of the skills development legislation and whether any change observed can be attributed to the intervention.

The methodology for this study is adopted and refined from the SAQA NQF Impact Study Research which was conducted in two cycles, as Cycle 1: 2004 and Cycle 2: 2005. The NQF Impact Study Report 1, 2004:11 advises thus: Researchers, particularly those engaged in future applications of the research design, should find the recommendations arising from the first cycle of the Study Report informative and helpful in adapting or refining the research design for specific purposes.

The current study has taken advantage of the advice given above and identified six phases for the research as follows:

1. Described the context against which the effectiveness of the Skills Development Legislation is measured
2. Identified and updated relevant Effectiveness Indicators for use in this study
3. Gathered Data using adapted effectiveness indicators
4. Analysed Data to evaluate the effectiveness of the Skills Development Legislation/Findings
5. Developed Recommendations
6. Produced a report

Table 2.1: Phases in which the study was conducted

Phase 1: Contextualisation: Putting into context the measurement of the effectiveness of the Skills Development Legislative Framework
Contextualisation of this study includes a review of Skills Development Legislative Framework, SASSETA and PSIRA literature that covers the study period. It also includes a description of the role of the two organisations mentioned above as the main policy steering agencies. The following criteria were suggested and discussed in more detail in this phase of the study: • Unpacking the Skills Development Legislative Framework objectives and the NSDS Objectives; • Identification of variables that would indicate the successful achievement of the above objectives; • Coming up with a range of relevant effectiveness indicators that were used to determine the impact of the Skills Development Legislation at the workplace; and • Where the Skills Development Legislation objectives and NSDS objectives were found to be too broad or generalised, means of narrowing them to measurable specifics were devised. In addition to the above methodology, data was also collected through: • case studies of workplaces that were undertaken which included private, public and voluntary organisations selected from a cross section of the sector to cover large, medium and small organizations; • The case studies were underpinned by consideration of the secondary data and available literature; and a literature review.
Phase 2 - Identification and adapting of relevant effectiveness indicators for use in this study • Relevant effectiveness indicators were adopted from the National Skills Development Strategy (NSDS) targets. • These prescribed indicators are also referred to as Performance Indicators against which the performance of SETAs is measured by the Department of Labour.
Phase 3 - Gathering Data using adapted effectiveness indicators:

Data that relates to Effectiveness Indicators that had been identified was collected from the records listed below:

- SASSETA Sector Skills Plan (SSSP);

- Workplace Skills Plans (WSP)s;

- Annual Training Reports (ATR)s of Employers;

- SASSETA Annual Reports; and

- PSIRA Records including the Annual Reports;

Research methods consisted predominantly of analysis of records, and to a lesser extent, individual interviews with the sole purpose of clarification of information found in documents.

Phase 4 – Analysis of Data and Findings:

Data was analysed and the findings were outlined.

Phase 5 - Development of Recommendations:

Recommendations were developed

Phase 6 - Production of the Report:

The report was then produced.

2.9 DATA COLLECTION TECHNIQUES

For the purpose of this study, the literature review method as an instrument for collecting data was chosen. Based on the problem statement and research question already mentioned, the following methods to collect data were used:

Planning Phase

The planning phase started with the analysis of the problem statement and the research question so as to focus the data collection efforts. The kind of setting or site was described, permission to use the site was sought and rapport, trust, and reciprocal relations with the employers from whom the records were obtained were established. A way to organise, code, and retrieve collected data for formal data analysis from literature

review of the documents that would logically yield information about the problem (archive of documents including Workplace Skills Plans and Annual Training Reports) and transcripts of field notes and the investigator's records of documents was developed

Beginning Data Collection

The search for facts requires locating both primary and secondary sources. Both primary and secondary sources of data are used. Primary sources include documents or testimonies of eye witnesses to an event (Schumacher and McMillan, 1993: 447). They also include standard academic works and acknowledged authors, annual reports, acts, regulations, white papers and commissions of inquiry reports. Primary sources are used throughout the thesis where applicable. Secondary sources are text books, articles, journals and newspaper reports.

Largely, primary sources are used for analysis of the effectiveness or lack thereof of the identified variables in the implementation of the Skills Development Legislation in South Africa. The WSPs and ATRs of each category of employers are also used for analysis.

Data Collection

Data collection comprised of review of existing sources of information such as SASSETA's Sector Skills Plan (SSSP), Workplace Skills Plans (WSPs), Annual Training Reports of Employers (ATR)s, SASSETA Annual Reports and PSIRA Records, including the Annual Reports. The reviewing of the above mentioned documents was followed by the extraction of information from the same documents. Information extracted from these sources helped in compiling a comprehensive database of practices from the sector. The database was broken down according to the effectiveness indicators for analysis and findings. Tentative data coding and analysis that came to the fore as the researcher mentally processed many ideas and facts while collecting data was done.

Interpreting the results so as to test the research question

The active data collection phase was completed and data was analysed. The interpretation and verification of the emergent findings from the analysed documents and any further data collection needs were entertained and findings were formulated.

Completion

The method chosen for this study combined a qualitative and quantitative approach. The qualitative aspects of the work sought, among others to:

- determine the extent to which employers and workers understand the mechanics and perceive the value of training and complying with prescriptions of the <u>Skills Development Act</u>, 1998 (Act 89 of 1998) through their implementation of the legislation;
- determine how employers comply with Skills Development Legislation and how they currently respond to the prescriptions of this legislation;
- seek to understand current practices in training and what the effect of these practices is on skills development in the workplace.

2.10   SAMPLING METHOD AND SAMPLE SIZE

Sampling is the process of selecting units (e.g., people, organisations) from a population of interest so that by studying the sample we may fairly generalise our results back to the population from which they were chosen. In the sampling model, you start by identifying the population you would like to generalise to. Then, you draw a fair sample from that population and conduct your research with the sample. Finally, because the sample is representative of the population, you can automatically generalise your results back to the population. Several problems with this approach can be cited (Trochim, 2006). The first one relates to one not knowing at the time of the study who one might ultimately like to generalise to. Secondly, you may not be easily able to draw a fair or representative sample. Hence, Brynard and Hanekom (2006: 54) describe sampling as a technique

employed to select a small group (the sample) with a view to determining the characteristics of a large group (the population).

The sample for this study consisted of individual PSIRA, SASSETA and Private Security companies (subjects) that were selected from a population paying training levies to SASSETA. Probability sampling was used after categorising the subjects into Large, Medium and Small Employers. The Simple Random Sampling method was used to draw a representative sample from each category. This method was opted for in order to draw a representative unbiased sample from the population. The sample of levy payers selected include organisations which are registered and pay training levies to SASSETA. A random sample of 65 large, 52 medium and 76 small companies was selected for analysis. Each of these samples constitutes 10% of each category population size.

2.11   MOTIVATION FOR THE RESEARCH

The South African government is committed to raising productivity in the country's economy and to providing better value goods and services for customers and users. A skilled workforce is central to the achievement of this goal. One critical aspect of this is the enhancement of organisational capability and the tackling of skill deficiencies via Workforce Development. There have been a number of different approaches to Workforce Development in South Africa. These varied from some organisations leaving skills development to competitive pressures in the market and to voluntary action by others while others relied on various types of collective self-regulation.

The government's current commitment to promoting skills development is through active labour market legislation demonstrated through three pieces of legislation, namely;
- South African Qualifications Authority Act, 1995 (Act 58 of 1995)
- Skills Development Act, 1998 (Act 97 of 1998)
- Skills Development Levies Act, 1999 (Act 9 of 1999)

The Skills Development Legislation is a political strategy intended to tackle the South African skills development crisis. It is supported by a pledge by the South African

workforce through its willingness to contribute 1% of its wages (<u>Skills Development Levies Act</u>, 1999 (Act 9 of 1999)), in response to the challenges of poverty and based on a common and shared vision of integration to eradicate poverty and to place South Africa on a path of sustainable growth and development and at the same time to participate actively in the world economy.

2.12   SIGNIFICANCE OF THE STUDY

This research is important in the sense that there is a general outcry that there is a dire shortage of skills in South Africa and that the SETA system has made little or no effect on this shortage of skills. Furthermore, it is also claimed that at the higher end of the skills continuum there is a clear lack of the management, technical, financial and other professional skills required to build globally competitive organisations and national infrastructure on the scale necessary to drive economic growth (S. Babb and T. Meyer: 2005).

With the shortage of skills mentioned above, it is imperative that a review of progress in the development and implementation of the Skills Development Legislation against its objectives as outlined and translated into the NSDS is conducted. The National Skills Development Strategy has been described as the most ambitious and complex of all of South Africa's social development programmes. Besides the need to reskill the workforce, South Africa is faced with a challenge of redressing the inequities of the past so that all the citizens of the country can become skilled and enjoy the benefits that had been previously denied them. The Skills Development Legislation was developed for this purpose.

2.13   LIMITATIONS OF THE STUDY

This Skills Development Legislation Effectiveness Study is bounded by the following assumptions and limitations:

2.13.1   Firstly, the study does not attempt to evaluate the rationale, aims or objectives of the Skills Development Act as such though it can be a variable for successful implementation.

2.13.2   Secondly, the study is undertaken with the knowledge that evaluative judgments on the attainment of the Skills Development Act objectives cannot be made with any degree of finality for a considerable number of years.

2.13.3   Thirdly, all evidence obtained in this study is merely indicative. It does not provide a valid base for generalisation as the population samples that are used are smaller than they would have been if the whole sector was studied.

2.13.4   Fourthly, because this is an evaluation study and evaluations can be threatening, officials of some of the evaluated departments who are custodians of the documents attempted to influence the evaluation, to block or call it to question. They also attempted to thwart data collection efforts by refusing to grant permission to carry out the study. Some of the critical information was obtained only after several efforts of appeals to higher authority in these organisations.

This Research Methodology chapter will be followed by the review of related literature on policy implementation in Chapters 3, which in turn will be followed by an overview of relevant skills development legislation in South Africa in Chapter 4. Chapter 5 and 6 will focus on the analysis of selected cases in the South African Private Security Sub-sector and on the summary of research findings, recommendations and conclusions respectively.

2.14   CONCLUSION

This chapter has provided a broader understanding of the way in which the research was conducted. It has considered what is entailed in qualitative studies, in particular Case Studies. The sector that is being studied as well as the main sources of information for data collection and analysis have been outlined. The chosen research methodologies, the research design, the contextualisation of the study as part of a qualitative study were explained. Every attempt was made to ensure the validity and reliability of the research information collected in the course of the study.

Setbacks and barriers encountered included granting of permission by the Department of Labour for conducting the study in that department. Management feared that the researcher's exposure to some inside information might lead to divulging confidential information to the public. Motivation behind the study had to be given to the legal Department of Labour to allay fears and mistrust on the intentions of the study in a non threatening approach to grant her permission to conduct the study. This matter caused a lot of delay on the part of the researcher as she could not proceed without obtaining complete ethical clearance from the Department in which the study resides.

CHAPTER 3

REVIEW OF RELATED LITERATURE ON POLICY IMPLEMENTATION

3.1   INTRODUCTION

Schwella (2000: 38) advocates the movement towards the post-modern approach of strong visions with soft boundaries needs driven complementary partnerships and networks rather than regulated fixed bureaucratic structures and procedures. These changes further necessitate the replacement of the past strongly regulated approach to the policy process with a development oriented state based on ascribed non racial principles. This development primarily aims at enriching the quality of life of historically disadvantaged communities.

In this chapter, an overview of the concepts of public administration, public administration as core function of policy development and implementation, as well as policy implementation in relation to skills development is given. The need for regulating the South African Private Security Industry is also discussed. Hence, an extensive discussion of statutory framework regulating the private security sub-sector follows.

3.2   POLICY IMPLEMENTATION AS CORE FUNCTION OF PUBLIC ADMINISTRATION

South African public institutions are set to provide public goods and services for the maintenance of the state through a variety of activities known as functions and processes (Cloete, 1992: 50). These activities, processes or functions are collectively known as public administration. According to Cloete (1992: 90) included in the processes that constitute public administration are policy processes which can also be grouped into policy-making processes, policy implementation processes and policy analysis. Burch & Wood (1983: 168) who prefer to refer to policy as processes and products of government. They focus on the products of government and concern themselves with the carrying out of those products, whether they are rules and regulations, goods and services or transfer payments. An Act of Parliament is an example of a policy product. They speak of

consequences (policy impact) of the application of policy products for citizens. Burch & Wood (1983: 168) mark the distinction between carrying out and consequences as an important one. In framing this distinction they argue against the use of the term 'implementation' because its chronological separation from policy formulation is unreal and possibly misleading. They argue that the separation suggests that once implementation gets underway, there is no more policy making, whereas the processes are inseparable. A point of consensus between Burch & Wood (1983: 168) and Cloete (1992: 90) is on reference to policy processes.

Brynard and de Coning (2007: 209) maintain that while policy can be defined in several ways, implementation moves from set political goals to results on the ground. Hood's model of perfect administration is described as a condition in which external elements of resource availability and political acceptability combine with administration to produce perfect policy implementation. Younis (1990: 6) summarises the Hood's model of perfect administration as being based on five key conditions: the administrative system has to be unitary, with a single line of authority; the norms or rules enforced by the system would have to be uniform, objectives would be given which are clearly ascertainable to the officials; perfect obedience and/or administrative control; perfect communication and perfect coordination between administrative units; and absence of time pressure.

3.2.1 Public administration

Van der Waldt and Helmbold (1995: 1) distinguish between Public Administration and public administration in order to eliminate terminological confusion when discussing the subject. The distinction Van der Waldt and Helmbold (1995: 1) make is that Public Administration refers to the field of study. They further state that, Public Administration is a science concerned with the study of administrative processes, governmental activities, and interdependent variables and, as a field of study it is also concerned with the implementation of national policy. On one hand, Van der Waldt and Helmbold (1995: 1) explain that Public Administration as a field of study must educate officials and politicians to be sensitive to community values and norms. On the other hand they argue that public administration must comply with those requirements of the citizens of the country that have

been authoritatively approved by the political process as objectives of the government. According to Dye (1987: 324) public administration refers to a practical phenomenon whose purpose is to provide services to society.

The South African public administration has undergone some drastic changes since 1990. These changes include the abolition of the Tricameral Parliament, the granting of franchise to all citizens of the country and a change in government structures and functions (Van der Waldt and Helmbold, 1995: xv11). The **South African Constitution** (Constitution 1996) has largely contributed to this move from old to new paradigm. Greater clarity in relation to national policy, the establishment of a growth rate in the economy and a goal oriented approach in the rendering of public service and accountability have began to take prominence. With the implementation of the **South African Constitution** (Constitution 1996) (Van der Waldt and Helmbold, 1995: xv11) public administration as a functional activity has also undergone a significant change. The new direction that has emerged is in response to the political changes and increasing needs and demands from the society.

Cloete (1986:2) describes the functions of the public administration as including policy-making, management, organising, financing, staffing determining work procedures, and the exercise of control. Schutte, **et al.,** (1995: 299) regards this approach as a technicist approach. This view is also supported by Schwella (1990: 104) who regards this approach as being reductionist since it ignores societal complex phenomena and broader philosophical, political, moral and ethical questions in favour of the 'nuts and bolts' efficiency of the administrative process. Schwella (1990: 106-107) questions the relevance of this approach since it does not refer to social events such as poverty, violence and increasing accusations of gross corruption and maladministration.

Cloete (1986:2), Schutte, **et al.,** (1995: 299), Schwella (1990:104-107) share the view that public administration had to undergo transformation to accommodate basic values and principles that support democracy. Hence the new values and principles governing public administration enshrined in the **South African Constitution** (Constitution 1996: chapter 10: 107). The **South African Constitution** (Constitution 1996), espouses a new approach to public administration. Section 195(1) lists nine principles governing public administration

including; a high standard of professional ethics; efficient, economic and effective use of resources must be promoted; public administration must be development oriented; services must be provided impartially, fairly, equitably and without bias; people's needs must be responded to and the public must be encouraged to participate in policy-making; public administration must be accountable; transparency must be fostered by providing the public with timely, accessible and accurate information; good human resource management and career development practices, to maximize human potential , must be cultivated; public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

3.2.2 Policy

According to John (1998:1) research on policy seeks to understand how the machinery of the state and political actors interact to produce public actions. The subject focuses on the decisions that create the outputs of a political system, such as the administration of a system of schooling, or the public health service. Cloete (1992: 79) takes this definition further by considering policy to be much more than decision. Here the claim is that to arrive at a policy, a series of decisions has to be taken, to implement a policy a further series of decisions have to be taken; and for policy analysis another series of decisions are necessary. In this regard, Wessels (1995: 9) states that policy is a complex and dynamic process that determines and details goals and lays down major guidelines for action. As a proposed course for action, policy is seen as a declaration of intent, a specification of objectives and a broad description of the different ways in which particular objectives are pursued. An Act of Parliament is an example of a policy product (Burch & Wood, 1983: 168).

According to Cloete (1986: 22) policy in public administration is a statement to the effect that the legislature or other competent authority has agreed and proclaimed that specified action should be taken to provide goods or services to satisfy specific aspirations, needs or values of the people. It seeks to explain the operation of the political systems as a whole,
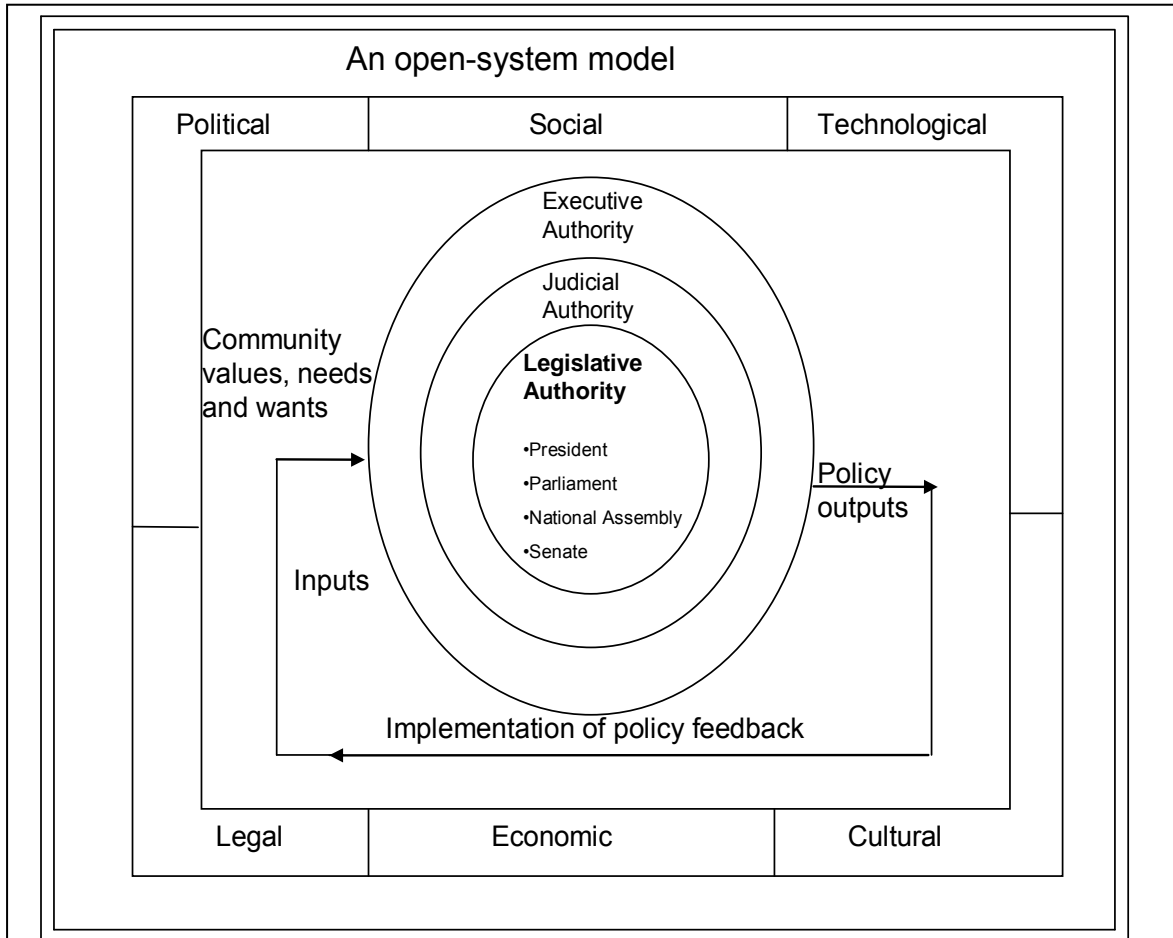
how decisions produce changes outside political system as policy outcomes (John, 1998: 1). Hanekom & Sharkansky (1993: 96) explain that policy as a desired course of action or inaction serves as a guideline in the allocation of resources to realise societal goals and objectives, decided upon and made publicly known by the legislator.

Wessels (1995:17) takes the definition of policy further by including the importance of the scope of the policy. Two broad dimensions of public policy are mentioned as being the substantive and procedural dimensions. On one hand, substantive policies are described as involving what government is going to do and is usually advocated by the governing political party (Hanekom, 1991:10). On the other hand, in contrast with the substantive policies procedural policies pertain to how something is going to be done and who is going to take action (Anderson, 1994:10). Anderson (1994:10) further explains that procedural policies include administrative matters and as a result transform substantive government policy into practical directives through an implementation strategy. Wessels (1995:18) concludes that procedural policy is therefore of a more specific nature than substantive policy, as it is concerned with the details of various aspects incorporated in a policy, with the setting of priorities and with the drawing up of a budget.

3.2.3 Policy-making and policy Implementation

In terms of policy-making and implementation models, the South African Parliament adopted an open system approach. The open system approach synonymously referred to as the congruence model stresses the influence of environmental variables on institutions. In terms of the open system approach a government must pay attention to the needs and wishes of the community which are conveyed to the legislative authority as inputs. These inputs are then processed through compliance to tasks to be performed and organisational rules, thus paying attention to determination of policy with due regard to all relevant aspects. With the processing of inputs, the product is policy which is made by legislatures and conveyed to the community by government departments in the form of services and the implementation of policy (Van der Walt & Helmbold, 1995:18).

Figure 3/1: Schematic diagram: the open system approach model of policy making and implementation

An open-system model

| Political | Social | Technological |

Executive Authority

Judicial Authority

Legislative Authority

- President
- Parliament
- National Assembly
- Senate

Community values, needs and wants

Policy outputs

Inputs

Implementation of policy feedback

| Legal | Economic | Cultural |

(Source: Van der Walt & Helmbold [1995; 18]).

The open system approach was prompted by instability and constitutional change which South Africa went through. The government reacted to this instability by identifying the forces of change, identifying the interest/political groups that were the source of change, diagnosing the problem of lack of political participation by some racial groupings, determining strategic approaches of countering the change by altering the political attitudes and view points positively (Van der Walt & Helmbold, 1995: 16-17). Through the **South African Constitution** (Constitution 1996), prescription was made for people's needs to be responded to and the public to be encouraged to participate in policy-making [(section 195 (1) (e)].

It can be argued that the rationale for promoting the open system approach includes the fact that public administration is functioning within a broader environment, the society

(Schwella, 1990: 112-114). The system has to strive to maintain equilibrium within this environment, from which it constantly receives inputs and feedback, by constantly adapting to it in an evolutionary way.

The political changes in South Africa prompted a need for substantial structural changes in organizations, divisions and posts in all tiers in management and administration in government departments. Policy makers and implementers changed from the previous establishment figures to representatives of previously excluded communities (Cloete, **et al,.** 2000: 2). Cloete, **et al,.** (2000: 2) argues that the new experiences that were brought by the incoming elites did not always include formal experiences of governmental policy-making and implementation. Consequently, the limitation of lack of experience placed a heavy burden on external policy advisors and consultants. Griffiths (1987: 109), contrary to Cloete, **et al.,** (2000: 2), attests that, it is clear that the top officials of the central State departments who were concerned with the development and the establishment of the new dispensation were completely prepared and qualified for the implementation phase.

The lateral nature of policy management enables concepts to be often used interchangeably (de Coning 2007: 14). It is in that regard that distinguished scholars use terminology such as policy-making, policy formulation, policy design and policy development interchangeably to denote the same concept. Hanekom & Sharkansky (1993: 95) define policy-making as an activity which precedes the statement of a goal. Policy thus, involves thought processes and actions, inclusive of decisions on selecting from alternatives a strategy to achieve a goal. Like Hanekom & Sharkansky (1993: 95), Cloete (1986: 21) attest to the fact that the product of policy-making is policy. According to Cloete (1986: 20) policy serves to guide the officials in the rendering of goods and services to satisfy real needs, justifiable aspirations and values with a view to the promotion of the general welfare.

Hanekom & Sharkansky (1993: 96) attempts to distinguish between policy-making and policy implementation and caution researchers to regard them as two distinct and distinguishable functions. They acknowledge that because of their close interrelatedness, separating them is difficult, if not impossible or impracticable (Hanekom, 1992: 55). It

therefore, becomes evident from the use of these different but related terms that scholars have developed distinct meanings for terms and concepts in the policy management field (de Coning 2007; 13). Minogue (1993: 19) defines policy implementation as relating to specified objectives, the translation into action of the policies that emerge from the complex process of decision making. John (1998:   17) defines implementation as a term that is used to describe the post-legislative stages of decision making. In this regard, contrary to Minogue (1993: 19) and John (1998: 17) Hanekom & Sharkansky (1993: 96) argue that decision making is not synonymous with policy-making because decision making is a moment in an on-going process in which alternatives are evaluated and a deliberate choice is made. It can therefore, be argued that in practice, policy-making involves making many deliberate choices with a view to arrive at a final statement. This process is then followed by policy implementation.

Cloete (1997: 91) in line with Hanekom & Sharkansky (1993: 96) concurs that it is sometimes found that the decision-making and policy-making are used synonymously. Caution should be raised that for the purposes of public administration the term policy-making should be used to refer to the functions performed to obtain policies as described above. Policy-making consists of the performance of generic administrative processes, while decision-making is classified as a neutral auxiliary function carried out in the performance of everyone of the functions constituting public administration (Cloete, 1997: 91).

Policies are sometimes ineffective not because they are badly implemented, but because they are bad policies. That is, the policy may be based upon an inadequate understanding of a problem to be solved, causes and cure, or of an opportunity, its nature, and what is needed to exploit it (Hogwood & Gunn, 1993:238). Burch & Wood (1983:190) state conditions for effective implementation, as including clear objectives, lack of ambiguity, the skill and commitment of implementers, the support of groups and politicians, and the continuation over time of the priority given to the policy.

As already explained by various scholars including Hanekom (1987:7) policy is indicative of a goal, a specific purpose, a programme of action that has been decided upon. Thus,

Public policy is therefore a formally articulated goal that the legislator intends pursuing with society or with a societal group. To this effect, Burch & Wood (1983:184 -189) note the existence of formidable barriers to be overcome before public policy is applied to society in the way policy makers intended. These barriers and reasons why it is difficult to apply public policy as intended are summarized in Table 3.1.

Table 3.1: Why it is difficult to apply public policy

Reason	Explanation
Ambiguity	Ambiguity is a problem that is common to most policies. It is where policy objectives may be unclear, unstated or even incompatible with one another. At times the language is imprecise and words can change their meaning over time. Ambiguity also affects accountability.
Relating of general rules to particular situations	Circumstances vary from case to case, yet a rule has to be applied. This process of application may involve a rule being refined or reinterpreted to suit the particular circumstances. A succession of detailed decisions can modify the original policy. Policy will not always be carried out as originally intended because those exercising discretion believe that policy will not be appropriate without modification.
Enforcement	Enforcement officers lack the capacity to monitor all the potential points at which policies and rules can be undermined or broken.
The future is uncertain	Policy has to be carried out in circumstances

	different from those which existed when it was first debated, and those changed circumstances cannot be accurately predicted.
Problems of managing large scale organisations and operations	It often happens that due to fragmented responsibility, which is an organisational challenge of the large modern states, people involved do not support policies they are supposed to be carrying out.
Citizen compliance	The successful application of public policy frequently depends on citizen Compliance, which is variable. The fate of a policy can be determined by the extent to which citizens comply in carrying it out.
Policy timetable	The short term interests of and considerations of top politicians can cause problems for those responsible for carrying out policies when timescale does not coincide with the political timetable.

(Adapted from Burch & Wood, 1983:184-189)

3.2.4 Critical variables essential for effective implementation of policy

Brynard and de Coning (2007:183) refer to implementation as the conversion of mainly physical and financial resources into service delivery outputs in the form of facilities and services, or into other concrete outputs aimed at achieving policy outputs aimed at achieving policy objectives.

In outlining implementation activities associated with implementation of policies, Brynard & de Coning (2007:195) mention the passing of enabling legislation, standards setting (nationally, provincially and locally); formalisation of agency operating procedure;

allocation of resources within the relevant agencies; and the issuance of violations to offenders as operating at multiple levels simultaneously as critical variables. Brynard & de Coning (2007:196) argue that in the course of its implementation, policy goes through a maze situation that is unique to each situation. The problem definition and policy design as political activities must be clear and succinct.

3.2.5 Critical Variables essential for Implementation of Skills Development Policy

The skills development policy is intended to transform education and training in South Africa by improving both the quality and quantity of training. The SAQA Act, 1995 (Act 58 of 1995), and the Skills Development Act, 1998 (Act 97 of 1998) take forward their broad objectives by providing clear and focused objectives. It is believed that the achievement of these objectives will significantly move the country forward towards the overall objectives of the skills development legislation (Department of Labour, 2005a) These objectives are listed below.

SAQA's National Qualifications Framework stated objectives are:
1. create an intergrated national framework for learning achievements;
2. facilitate access to and mobility and progression within education, training and career paths;
3. enhance the quality of education and training;
4. accelerate and redress past unfair discrimination in education, training and employment opportunities; and
5. contribute to the full personal development of each learner and the social and economic development of the nation at large.

The Skills Development Act has been translated into an implementable National Skills Development Strategy. Stated objectives are to:
   I. develop a culture of high quality lifelong learning;
   II. foster skills development in the formal economy for productivity and employment growth;
   III. stimulate and support skills development in small businesses;

IV.   promote skills development for employability and sustainable livelihoods;

 V.   through social development initiatives; and

VI.   assist new entrants into employment.

The above stated objectives present a highly ambitious programme of development. The critical variables that are essential for implementation of skills development legislation are embedded in the quality assurance development and implementation functions of the SAQA Act, 1995 (Act 58 of 1995) through the regulations for Education and Quality Assurance Bodies Regulations, 1998 (ETQA Regulations; RSA, 1998a). These regulations provide the enabling and regulatory framework for the implementation of the quality assurance systems and processes required by the National Qualification Framework (NQF).

As mentioned in Chapter 1 of this study, NQF Impact Study cycles 1 and 2 conducted in 2003 and 2004, as well as the NQF Impact Study Report 1 (2004) and Report 2 (2005) form the bases for this study. According to the NQF Impact Study Report 1 (2004: 1) the South African Qualifications Authority (SAQA) commissioned a research project aimed to achieve the effective measurement of the impact of the National Qualifications Framework (NQF) on the transformation of education and training in South Africa and released its Cycle 1 NQF Impact Study Report in 2004.

The NQF Impact Study Report 2 (2005: 9) states the specific objective of the first cycle of the project as being to establish the criteria against which to measure the progress of the NQF. The outcome was the development of the impact indicators for use in the measurement of the extent of achievement of the objectives of the NQF. Some of the impact indicators that are used in this study are adapted form the NQF Impact Study Report 2 (2005: 9).

According to NQF Impact Study Report 2 (2005: ii), the NQF Impact Study is a world-first. No other country that has implemented a NQF, has as yet, attempted to measure the progress of its NQF in such a comprehensive and empirical manner. As such, SAQA has set a standard for similar initiatives world wide and has also provided South African policy

makers with a rich source of information that can be used to inform future NQF developments (Walters, Chairperson of SAQA, April; 2005). The critical variables that are essential for implementation of skills development legislation as adapted from the criteria and guidelines for accreditation of ETQAs as outlined in the regulations for Education and Quality Assurance Bodies Regulations, 1998 (ETQA Regulations; RSA, 1998a) are tabulated in the Table 3.2 below:

Table 3.2: The critical variables that are essential for implementation of skills development legislation

CRITICAL VARIABLE	RESPONSIBITY AND APPLICABILITY
Accreditation of ETQAs & Training Providers	ETQAs must have been accredited by SAQA and Training Providers must be accredited by ETQAs before they can operate.
Quality Management Promotion (QMS)	ETQAs and Training Providers must have QMS in place
Registration of Assessors	Assessors must be registered by ETQAs before they start assessing learning
Registration of Training Providers	Private Training Providers must register with the DoE to get licenses to practise
Monitoring and auditing	SAQA must monitor and audit ETQAs, while ETQAs monitor and audit Training Providers
Registration of standards and qualifications	SAQA must register standards and qualifications on the NQF
Certification of learners	ETQAs must certificate learners
Maintaining a data-base acceptable to the Authority	ETQAs and Training Providers must have and maintain a data-

	base of learners, qualifications and unit standards
Reporting to the Authority	ETQAs must report to SAQA quarterly, and Training providers to ETQAs.
Resources: Financial, Human and Information	ETQAs must have financial, human and information resources as required by SAQA and Training Providers as required by ETQAs

(Source: Adapted from Education and Quality Assurance Bodies Regulations, 1998 (ETQA Regulations; RSA, 1998a))

This skills development effectiveness study is based on the implementation of the National Skill Development Strategy objectives. The impact indicators will be the achievement of the set targets as prescribed in the Service Level Agreements that are signed between the Department of Labour and the SETA which are made mandatory and legally binding.

3.2.6 Policy Implementation in Relation to Skills Development

The generic reasons why studying policy impact is essential and critical can be classified, for analytical purposes, into pragmatic, democratic and moral (Burch & Wood, 1983: 194). Pragmatically, it is important to ensure that government gets value for money that policies are being carried out as intended and at reasonable cost. Democratically, the conventional view of policy-making emphasizes the government and policy makers' accountability by testing whether or not the stated objectives have been achieved. Public accountability is one of the characteristics of a democratic government (Cloete, 1991:57). Morally, the performance of government must be assessed and comparisons be made by judging the extent to which citizens, and particular sectors of society, have been treated fairly or equitably, unfairly or inequitably.

Burch & Wood (1983:195) propose two distinct approaches to the study of policy impact; the study of the effectiveness of policy and whether or not a policy has worked, is working

or is likely to work and reasons for any policy failure which are observed or predicted. It is indicated as abovementioned, studies of distribution of policy products can be considered – who benefited, by how much. In this study, a combination of the two approaches mentioned above has been opted for.

South Africa's priority for transformation into a non-racial democracy has been changing the racial division of labour. Transforming management practices and the racial disparities in skills, work and wage conditions are preconditions for a non-racial democracy (Levy, 1995:318). It is believed that leveling the labour market is one of the mechanisms to effect this transformation for political unity and rapid social transformation. In this regard, in most cases, it would not be possible to realise transformation without skills development through education and training as one of the many variables for successful social transformation. It is, therefore, in this regard that the **South African Constitution** (Constitution 1996) ensured that through the Bill of Rights, chapter 2 (29) (1) everyone has the right to; a basic education (and training) including adult basic education (and training); and to further education (and training), which the state, through reasonable measures, must progressively make available and accessible. In this regard, the skills development legislation was developed, to ensure that the employees of the entire South African society have the most important tool available to better their lives and also achieve the state's goals including improved economy.

The ways in which skills development policy has been implemented in South Africa is subject to time frames within which it occurred. It is therefore prudent that the time frames covered by this study be stated and explained to ensure that things are put into perspective. Thus, the time frame for the implementation of policy for skills development commences with the Constitutional development of the new South Africa from 1993 and then continues with the development of the SAQA Act, 1995 (Act 58 of 1995), and the Skills Development Act, 1998 (Act 97 of 1998) and Skills Development Levies Act, 1999 (Act 9 1999) respectively. The period under study straddles the period starting from 2005-2008 covering the periods of the National Skills Development Strategy (NSDS) I and II.

The functional organisation for making and implementing the skills development policies is the national government in the form of; the National Department of Labour and the South African Qualifications Authority which reports to both the Minister of Labour and the Minister of Education. Public institutions or organisations such as state departments function and depend on the environment within which they must render their services to the community (Van der Walt & Helmbold, 1995: 24). In terms of policy-making and implementation models described in the earlier section of this chapter, the South African Parliament can be regarded as having adopted an open system approach. This is because its policy-making and implementation processes received inputs in the form of needs and wishes from the community. The National Skills Authority (NSA), as the advising body of the Minister of Labour on skills development matters, thus can be regarded as having subscribed to the open system approach in policy-making and implementation (received inputs from society through stakeholder participation and public comment from the gazetting process) (Van der Walt & Helmbold, 1995: 25).

3.2.7   Policy Evaluation

According to Cloete **et al.,** (2006: 246) policy evaluation is needed in order to decide whether to continue with curtail, terminate or expand the policy project or programme. The process of policy evaluation entails determining, measuring and assessing changes that occur in specific target groups, regions and sectors over a period of time. Thus, for these changes to be measured effectively, a starting point (baseline–data before the project was initiated) and cut-off point that signals the end of the evaluation period (culmination data) are needed (Cloete **et al.,** 2006: 253).

The topic of policy evaluation can be approached in various methods. Patton & Sawicki (1993: 257) view analysing policies before they are implemented (ex-ante evaluation) as well as after implementation (ex-post evaluation) as possible policy evaluation methods that can be used. In their review of both methods they highlight pros and cons of both approaches. They regard evaluation of policy before being implemented is more difficult as it requires somehow forecasting the effects of the proposed action. They go on to claim that there has not been an investment in **ex-ante** evaluation comparable to that in ex-post

evaluation, nor have the many policies and programmes of state and local governments received much attention. Another concern that is highlighted by these researchers in **ex-ante** evaluations is deciding what to evaluate, and therefore what to forecast. They outline its principal question as whether the proposed policy will work, whether it will meet the desired objectives, whether it will do so in an efficient, equitable, politically viable and successful manner. In this study, an ex-post evaluation was chosen because of its ability to determine whether the implemented policies are producing desired results, to recommend whether they ought to be modified, and even to determine whether resources should be shifted to other programmes.

Patton & Sawicki (1993: 368) in defining ex-post policy evaluation, say that it involves the examination of the extent to which policy objectives were achieved. According to Patton & Sawicki (1993: 368) ex-post policy evaluation requires relating qualitative and quantitative information derived during policy monitoring to programme goals, objectives and criteria and deciding whether the policy should be continued because it is achieving its objectives, or should be terminated because of a lack of effect or unintended negative consequences.

3.3   STATUTORY FRAMEWORK REGULATING THE PRIVATE SECURITY -SECTOR IN SOUTH AFRICA

It is widely understood that both locally and internationally all industries need to have a recognised body to serve as a regulator or overseer. Regulation would then serve to ensure quality of service delivery, fairplay and ethical practice for all organisations involved as well as to set standards of practice and acceptable levels of professionalism. The growth in size of the security industry and the economic role of private security in providing business opportunities and creating employment has placed pressure on proper regulation. This is even more imperative for this industry, where poor service or fraudulent practices could cost the industry dearly in terms of safety and security (Gumedze, 2007:3).

It is therefore important to understand the overall situation in South Africa by unpacking the fundamental principles regulating the private security industry. This chapter will, in this

regard, unpack the regulatory approach of the relevant bodies and legislative aspects governing the industry.

3.3.1   The need for regulating the South African Private Security Industry

The **South African Constitution** (Constitution 1996: chapter 11: (199)(3)), entails that other than the security services established in terms of the Constitution, armed organisations or services may be established only in terms of national legislation". Thus, the functional organisation for the making and implementation of private security legislation at central, provincial and local government levels can be described in terms of the Security Officer's Act, 1987 (Act 92 of 1987) (and amendments to it) and the Private Security Industry Regulatory Authority Act, 2001(Act 56 of 2001). The two legislations have been identified as relevant to the current regulation of the private security industry and are analysed in the section below.

3.3.2   The Regulation of the Private Security Industry in South Africa

Private security in South Africa has gone through an evolutionary process of being unregulated to partially regulated and finally to a fully regulated industry. While regulations are statutory instruments, Code of Practice are revoluntary agreements devised for use by a defined population, often on a sectoral or professional basis. Adherence to Code of Practise is not a statutory requirement. Failure to comply with Code of Practice may however lead to an organisation being excluded from membership of a relevant professional body (KPMG, 2002: 4). It is recognised that there are various types of Codes of Practice from voluntary Code of Practice through to regulated Codes of Practice. Regulated Codes of Practice are considered to represent industry or occupational standards with which employers should conform whilst other Codes of Practice are more voluntary in nature. As such, Regulated Codes of Practice are more likely to directly encourage work force development. Thus, South Africa, which prefers to call it the Code of Conduct for security officers, the latter having been drawn up and made binding in terms of the Security Officers' Act, 1987 (Act 92 of 1987) has repealed and made provision for the promulgation of the Improper Conduct Enquiries Regulations, 2003. This is a clear

indication of the fact that the sector is fully regulated. Furthermore, section 28 (1) of Chapter 4 of the Private Security Industry Regulation Authority Act, 2001 (Act 56 of 2001) stipulates that the Minister must, after consultation with the Council, prescribe a Code of Conduct for security service providers which contains sufficient procedures and rules of evidence for its enforcement.

The code of conduct is legally binding on all security service providers, irrespective of whether they are registered with the Private Security Industry Regulation Authority or not. Furthermore, to the extent provided for in this Act, it is also legally binding on every person using his or her own employees to protect or safeguard his or her own property or other interests, or persons or property on his or her premises or under his or her control. The rules contained in the Code of Conduct embodied the minimum standards of conduct with which every security service provider and employer of in-house security officers must comply.

Since the early nineties the legislature actively got engaged in attempts to improve the Security Officer's Act, 1987 (Act 92 of 1987) through its various amendments that include the Security Officers Amendment Act, 1990 (Act 25 of 1990); Security Officers Amendment Act, 1992 (Act 119 of 1992); Security Officer's Act, 1996 (Act 64 of 1996); Security Officers Amendment Act, 1997 (No. 104 of 1997); and Private Security Industry Regulatory Authority Act (Act 56 of 2001). It did this in an attempt to improve the legislation with new substantive and other formal changes to address problems and deficiencies which have appeared since 1990, and to adapt the Security Officer's Act, 1987 (Act 92 of 1987) to continuously changing circumstances and the emergence of new needs within the industry and the country in general (PSIRA, unpublished document).

Chapter 2 Section 199 (3) of **The Constitution of the Republic of South Africa**, 1996 provides for armed organizations or services to be established only in terms of national legislation. Section 199 (4) of the same **South African Constitution** (Constitution 1996) stipulates that security services must be structured and regulated by national legislation. It is in that respect that the Security Officers Act, 1987 (Act 92 of 1987) as amended was promulgated and the Security Officer's Interim Board was establish.

The Security Officers Act, 1987 (Act 92 of 1987) established a juristic person to be known as the Security Officers' Interim Board. It sets out the responsibilities of the Security Officers' Interim Board *inter alia* as: the exercising of control over the occupation of security officers, and to maintain, promote and protect the status of that occupation, and to ensure that the industry acts in the public interest, and to submit reports from time to time to the Minister on the regulation of the security officer industry. In addition to the abovementioned responsibility, the Security Officers' Interim Board was to advise the Minister of Safety and Security as to the establishment of a new permanent Security Officers' Board (SOB) which should be constituted such that provision is made for an increased representation of the security services industry and of the community, the funding of the Board and the utilisation of its funds.

The would be established new permanent Security Officers' Board was to amend the Security Officers Act, 1987 (Act 92 of 1987), in order to promote and encourage professionalism in the security services industry, the principles of democracy, transparency, equality, accessibility, the satisfaction of the needs of the community with regard to security services and the involvement of the community in the achievement of the objects of the Board. The Security Officers Act, 1987 (Act 92 of 1987) amendment was also intended to provide for the drawing up of an enforceable code of conduct for security officers which prescribes the procedures for its enforcement, including the imposition of essential penalties in respect of the different categories of security officers, and any other matter deemed by the Board necessary or expedient to be considered by the Minister in connection with the provisions of this Act.

Over the years, the capacity of the Security Officer's Board (SOB) now replaced by the Private Security Industry Regulatory Authority (PSIRA), which is located under the Department of Safety and Security, had been an issue of concern for all South Africans alike. This was because safety and security (or lack of it) affected lives of all citizens, businesses and the public sector alike. The concerns raised included fears that citizens' rights may be infringed simply because of security guards who are put in situations for which they are not trained. For example, in one unprecedented case, 16 deaths and 80 injuries resulting from poor measures of crowd control by security guards. The commission

of inquiry that was set up to investigate the matter concluded that the security guards involved had limited training as a result they could not foresee the consequences of their crowd control methods (Show, 1969: 108).

Currently, a fairly comprehensive legislative framework has been developed in the area of Private Security and includes the Security Officers Act, 1987 (Act 92 of 1987), <u>Private Security Industry Regulatory Authority Act</u>, 2001 (Act 56 of 2001), <u>Regulations made under the Private Security Industry Regulation, 2001</u> (Act 56 of 2001), <u>Amendment to Regulations made under the Security Officers Act,</u> 1987 (Act No. 92 of 1987) and <u>Training Regulations, Regulations made under the Security Officers Act,</u> 1987 (Act 92 of 1987). At present, for all employers and employees there is legislation which is dedicated to the improvement of skills development of all at the workplace. The training and skilling of employees is not only intended for better performance at the workplace, but to enable employees to accumulate credits that will enable them upward mobility and articulation on the National Qualifications Framework (NQF). The extent to which the National Qualifications Framework (NQF) facilitates the mobility of learners horizontally, diagonally and vertically takes cue from the South African Qualifications Authority (SAQA) qualifications. National Qualifications Framework (NQF) qualifications encouraged educational mobility (the ability to move between streams) and were more portable than non-NQF qualifications (NQF Impact Study Report 2, 2005: 46).

It can be argued that a number of positive initiatives are currently being undertaken by all South African government departments including the Department of Safety and Security to address the challenge of skills shortage and also to redress the imbalances and inequities of the past, especially in the previously disadvantaged communities. In that regard, prescriptive legislation for all Sector Education and Training Authorities (SETAs) and Employers to meet the following compulsory targets in training as well as to address employment equity (<u>Employment Equity Act</u>, 1998 (Act 55 of 1998) has been promulgated. It is therefore envisaged that with the implementation of the skills development legislation organisations can positively affect the country's capacity at private and public sector levels by improving the skills base.

3.4 THE REGULATION OF PRIVATE SECURITY SUB-SECTOR: INTERNATIONAL PERSPECTIVE

South Africa is faced with a challenge of criminals that are becoming more advanced and ruthless in their methods of operation. It means that the private security system has to be a step ahead of criminals in prevention and combating crime. In that regard, globalisation becomes a force to reckon with. The private security industry has to think in global terms and utilise international benchmarking in order to be effective and to keep up to date with current international developments in the industry. Consequently, it is vital that private security training and operations are not assessed in isolation but in comparison with international standards for competitiveness and for international recognition as well.

Literature reviewed revealed that international countries classify private security companies into three major groups in terms of regulation and governance. These groups are non-interventionist, minimal regulation and comprehensive regulation (Irish, 1999; monograph no 39).

Table 3.3: Models for classification of private security by international companies:

CLASSIFICATION	CRITERIA
Non-interventionist	The state does not take responsibility for regulating the industry. It is left to the market to ensure adequate regulation occurs.
Minimal Regulation	The state introduces minimal legislation to regulate the people who work in the industry. Such regulation may also set limited rules and standards for the industry.
Comprehensive Regulation	The state extends regulation beyond controlling the type of person who enters the industry. Substantive regulation is introduced to raise the standard and quality of services provided by the private industry.

(Source: Adapted from Irish, 1999; monograph 39)

According to Button (2007: 109) the importance and expansion of the role of private security officers in policing have led many countries to introduce special legislation to govern them. Many industrialised countries have a long history of such measures. The structures and standards introduced, however, have varied from country to country

3.4.1 UNITED KINGDOM: ENGLAND AND WALES

In many European countries, by contrast, standards have been comprehensive, sometimes including hundreds of hours of mandatory training (Button, 2007: 109). In England and Wales, however, it was only in 2001 that such legal intervention was finally introduced, and the system that has begun to unfold has caused much debate on its effectiveness. Concerns regarding the exclusion of significant sectors have been raised. Some critics of the provision of security by private firms have argued that regulating the industry would confer undue legitimacy on what are inherently illegitimate actors. These critics advocate a total ban on Private Security Companies and the renationalisation of security and military service provision. The extent of the demand for and supply of private security services around the world indicates, however, that a ban is unrealistic. It would be impossible to enforce and, importantly, would work against the aim of greater transparency and accountability in the security sector by increasing the likelihood that the industry would be pushed underground (Holmqvist, 2005: 52)

Literature reviewed revealed that countries such as England and Wales in Britton are partially regulated with self regulation allowed in some instances. The United Kingdom did not have legislation that effectively cover the private security and military service sector (Holmqvist, 2005: 62). In recognition of this, in 2002 the British Government published a Green Paper outlining the options for regulating the industry. The Green Paper Provided a conceptual framework for the regulation of the private security industry and has led to changes in national legislation. The Green Paper on the regulation of the private security industry (1995) suggested ways in which regulation of British Private Security Companies could be addressed, including amending existing legislation banning military activity abroad (and recruitment for military activity abroad), to include the activities of

contemporary Private Security Companies. It also considered the self-regulation of the industry. Between these two 'all or nothing' approaches the Green Paper set out three different types of licensing schemes for the export of private security services. There was a broad consensus in the British debate that some form of licensing scheme is best suited for national legislation for PSCs.

According to the Green Paper, the British Government indicated its commitment to a partnership approach to tackling crime and disorder, particularly at a local level. Local strategies will make use of all available agencies including the private security industry if that is thought appropriate. In accordance with the British government's vision for high standard of service from the private security industry, a number of structures were established. Through effective co-operation between trade associations and professional bodies, recognised and respected inspectorates were set up to inspect companies to match the appropriate standards. On the manned guarding side, the Inspectorate of the Security Industry (ISI) has been accredited by the United Kingdom Accreditation Service (UKAS, formerly the National Approval Council for Certification Bodies (NACCB)) as an independent third party certification body. In the intruder alarm field the National Approval Council for Security Systems (NACOSS) has been similarly accredited. Three other alarm Inspectorates have been approved by the Association of Chief Police Officers (ACPO) in connection with the intruder alarm policy.

The National Training Organisation for the Secure Environment was set up by the industry to formulate and promote training for the security industry including the development of National Vocational Qualifications (NVQs) and their Scottish equivalent for individual employees. In 1997 the National Training Organisation for the Secure Environment was awarded National Training Organisation status by the Department for Education and Employment and receives financial support from the Government. (Button, 2007: 45).

There are also a number of influential trade associations and other professional bodies representing the interests of the security industry or particular parts of it. The Government believes therefore that it is necessary to license individuals wanting to provide security services to ensure that those whose backgrounds make them unsuitable cannot be

employed or set up business in the industry. The Green Paper proposed that all those who provide security services in the sectors, including managers and directors of companies should be licensed. This function is carried out by a new body called the Private Security Industry Authority.

To achieve, maintain and improve standards within the industry the Government took into account the self-regulating mechanisms that are in place in some sectors of the industry. Where these mechanisms were working well, according to the Green Paper, the Government wanted to underpin them with legislation rather than creating additional layers of bureaucracy. The Government also wanted to create a flexible structure which would be able to deal with new sectors of the industry as they arise if they fit with the Government's general approach, which is to provide better regulation to benefit the citizen and provides simpler regimes for businesses, particularly small business. The self-regulating mechanisms which were established had grown up in a disparate way for different sectors of the industry without the oversight of a co-ordinating body to ensure that similar standards were being applied throughout the industry. The Government also proposed that the Private Security Industry Authority will have oversight of the maintenance and improvement of standards within the private security industry.

Consequently, in the UK, the security industry is governed by the Security Industry Training Organisation (SITO). The SITO oversees the training standards while the Private Security Industry Authority (PSIA) is responsible for licensing and regulation (Button, 2007: 45).

3.4.2 Asia: India

In the Republic of India, the Private Security Agencies (Regulation), 2005 (Act 29 of 2005), makes provision for the regulation of private security agencies and for matters connected therewith or incidental thereto. The Act was promulgated on 23 June 2005 after being drawn up by the State Government. In terms of Section 2 of the Act, a Controlling Authority is appointed with the overall authority to regulating the private security industry. The State Government, designated an officer equivalent to the rank of a Joint Secretary in the Home

Department of the State or an equivalent officer to be the Controlling Authority. Section 4 of the Act, prohibits Persons or Private Security Agency from engaging or providing private security guard without license issued under this Act: No private security agency shall provide private security abroad without obtaining permission of the Controlling Authority, which shall consult the Central Government before according such permission. The Act makes provision for a number of other important aspects such as eligibility and ineligibility for license, renewal of license, conditions for commencement of operation and engagement of supervisors, eligibility to be a private security guard, conditions of license exhibition, cancellation and suspension of license, appeals, maintaining of a register and inspection of licenses.

The Private Security Agencies (Regulation) Act, 2005 (Act 29 of 2005), also focuses on effective enforcement and monitoring of the regulation by ensuring that the Controlling Authority inspects the premises of the private security agency and examine the place of business, the records, accounts and other documents connected with the license and may take copy of any document. Issues of photo identity cards, disclosure of information to unauthorized persons, punishment for contravention of certain provisions, penalty for unauthorized use of certain uniforms, offences by companies and indemnity are also addressed.

3.4.3 United States of America (USA): Virginia

The Code of Virginia Laws Relating to The Regulation of Private Security Services came into effect on 1 July, 2004. A Private Security Services Advisory Board appointed by the Criminal Justice Services Board advises this Board on all issues relating to the regulation of private security services businesses. Membership to the Private Security Services Advisory Board consists of 12 members as follows: two members shall be private investigators; two shall be representatives of electronic security businesses; three shall be representatives of private security services businesses providing security officers, armed couriers or guard dog handlers; one shall be a representative of a private security services business providing armored car personnel; one shall be a representative of a private security services business involving personal protection specialists; one shall be a certified

private security services instructor; one shall be a special conservator of the peace appointed pursuant to and one shall be a representative of law enforcement.

The functions of the Private Security Services Advisory Board are to enforce regulations regarding licensing, certification, and registration required; as well as the qualifications and the punishment of non-conformers. It is evident that a common trend is revealed in the three examples of states selected for this study. All these states are regulated, meaning that they are all having a minimum standard of competency against which people that are considered competent for private security are expected to attain. They all have a national regulatory body with which persons intending to provide private security services must register. They all have to meet certain prescribed conditions for accreditation as service providers by the regulatory body.

3.5   CONCLUSION

This chapter has outlined public policy as it applies to governmental decisions designated to deal with various issues, such as those related to the nature of policy changes that have occurred in South Africa with the democratic government. The public administration and the South African policy changes which are in congruence with the past realities of accommodation of the previously excluded are also discussed extensively. How public administration has transformed to accommodate basic values and principles that support democracy is also discussed. The chapter then continued to discuss policy development and implementation. It also looked at policy as it applies to skills development and to the Private Security Sub-sector, which is the focus of the study.

The chapter later discussed the statutory framework regulating the Private Security Sub-sector in South Africa. In this section, the need to regulate the industry was outlined and the regulations that guide the industry were unpacked. Emphasis was placed on pre and post apartheid eras. The current government's appointed bodies for regulation of private security industry were examined. This examination highlighted existing duplications and overlaps in functions of these bodies. The current functions of these bodies are discussed extensively in the next chapter.

Regarding international perspectives and comparisons of the regulation of private security industry, three countries are discussed. These countries are in different continents yet common trends and strong similarities in the regulation of the private security industry emerged in the literature reviewed. It has become evident in the literature reviewed that although all three of the countries studied have regulations in place for regulating the Private Security Sub-sectors, USA and South Africa take the lead in countries that have in place national legislation on the industry, and their models therefore merit consideration for best practice. The challenge could be in the implantation, enforcement and compliance. These two countries are among the biggest producers of Private Security Companies so it is perhaps not surprising that they have come the furthest in regulating the industry. Industry stakeholders need to see the benefit of regulatory and legislative measures guiding their use as a means of ensuring that credibility in their systems.

Public policy development and implementation occurs in an environment with external influences. Certain independent and dependant variables influence the implementation thus causing effectiveness or ineffectiveness of legislation. Certain pre-determinants such as clear objectives, availability of resources, adequate time periods, capacity to implement, favorable political climate, communication and coordination as well as compliance are some of the factors which have to be satisfied for smooth implementation to be achieved. The factors mentioned above are applicable in the South African context.

CHAPTER 4

AN OVERVIEW OF RELEVANT SKILLS DEVELOPMENT LEGISLATION IN SOUTH AFRICA

4.1   INTRODUCTION

In order to elucidate the rationale behind the current skills development legislation in South Africa, a historical evolution of training legislation is given. Claims that are made are substantiated by evidence for past interventions and their effect. The historical background reveals the origins of skills development legislation and justifies the need for transformation into the current regulatory system. The main features of the present regulatory system for training in South Africa are then outlined. The workforce training that is interrogated is training that takes place at private training centers, industry training centers for the training of the employees, the unemployed and the fund for training unemployed persons. The training requirements and targets are spelt out as objectives in the National Skills Development Strategy developed by the Department of Labour.

This chapter does not intend to enter in any detail into the complex nature of regulation prior to the current <u>Skills Development Act</u>, 1998 (Act 97 of 1998) or to judge the political and administrative nature of the apartheid training laws. Rather, evidence of efforts of transforming the system into a more inclusive one and of individual social development as well as the country's economic development will be spelt out. It is envisaged that implementing the government–supported skills development legislation would assist the training and up-skilling of employees to contribute to the actual development of skills in the labour market for social development and increased productivity.

Legislative background is given to substantiate claims made as well as evidence of past interventions and their effect. The main legislation that has guided training and skills development in South Africa, which is also relevant to the current skills development regulatory framework governing the private security industry is presented in Table 4.1 and is examined in this chapter. The Skills Development Legislation that is analysed and discussed is the statutory framework before 1994 as well as statutory framework post

1994. Listed below is the legislation that has been identified as being part of the build up to the current skills development regulatory framework governing training in South Africa. The purpose of the table is to demonstrate its evolutionary sequence in proper context in a summarised format.

The present legal and regulatory framework for skills development that is the focus of the study consists of three Acts, related Regulations and the National Qualifications Framework. Legislation referred to in this study is that directed at the Sector Education and Training Authorities (SETAs) for the purpose of addressing workforce development. In order to achieve the objectives of this chapter, past and present industry regulations which directly impacted upon skills are identified followed by the evolutionary history of training in South Africa.

Table 4.1: Evolutionary stages of the training legislation in South Africa (1922 to 1999)

Legislation	Purpose	Institutions Provided by the Law
Apprenticeship Act, 1922 (Act 26 of 1922)	The Act passed to regulate apprenticeship to certain trades and the carrying out of contracts of apprenticeship of persons thereto; to provide for the establishment, powers and functions of committees to regulate such matters; to make provision for matters connected with the training of apprentices as to other matters incidental to contracts of apprenticeship.	National Apprenticeship Board
Apprenticeship Act, 1944 (Act 37 of 1944)	Act passed to improve an oversight or limitation of the Apprenticeship Act, 1922 (Act 26 of 1922). This oversight created a lack of uniformity which caused restriction in the mobility of labour. The Apprenticeship Act, 1944 (Act 37 of 1944) resulted in the establishment of the National Apprenticeship Board with the Minister of	National Apprenticeship Board

	Labour as the Chairperson and the Secretary of Labour as the Deputy chairperson.	
Training of Artisans Act , 1951 (Act 38 of 1951)	Act passed to empower the Minister of Labour to provide for the training of adults in trades where the shortage of artisans was severe enough to have an adverse effect on the public interest.	
Apprenticeship Amendment Act, 1963 (Act 46 of 1963)	Amendments to improve the administration of apprenticeships. In addition to that, provision was made for block release classes, voluntary attendance at technical classes beyond the second year of apprenticeships, voluntary trade tests, extension of contract periods for lost time and an apprentice log book	National Apprenticeship Board
Manpower Training Act, 1981 (Act 56 of 1981)	Promulgated for promotion and regulation of the training of human resources; to provide for the establishment of a National Training Board and the Manpower Development Fund.	National Training Board, and a fund, to be known as the Manpower Development Fund Industrial Training Boards (ITBs)
SAQA Act, 1995 (Act 58 of 1995)	Provides for the development and the implementation of the National Qualifications Framework and for this purpose to establish the South African Qualifications Authority, and to provide for matters connected therewith.	South African Qualifications Authority (SAQA)
Skills Development Act, 1998 (Act 97 of 1998)	Act developed to establish a high quality skills development system that is cost effective and accountable, meets skills needs, and promotes employment generation and economic growth.	National Skills Authority (NSA) Sector Education and Training Authorities (SETAs)

Skills Development Levies Act, 1999 (Act 9 of 1999)	Act developed to provide for the imposition of a skills development levy and for matters connected therewith.	National Skills Authority (NSA) Sector Education and Training Authorities (SETAs)

(Source: Adapted from various South African legislation quoted in this study)

4.2   THE CONCEPT OF TRAINING

Training is a learning experience in that it seeks a relatively permanent change in an individual that will improve one's ability to perform on the job (De Cenzo & Robbins, 1994: 255). Warren (1979: 2) suggests that the mission of training is to bring about the behavior changes required to meet management's goals. It is seen as an essential component of the organisation and is considered a major management tool to develop the full effectiveness of the organisation's most important resource, its people. In this regard, Warren (1979: 8) claims that if the training function is to perform the behavior change task correctly, the behavior change brought about must then be measurable in terms of the organisation's requirements. Consequently training must be result orientated, it must focus on enhancing those specific skills and abilities to perform the job, it must be measurable and it must make a real contribution to improving both goal achievement and the internal efficiency of the organisation.

The training that is referred to in the context of this study is that which is most applicable to policy objectives as set out in the SAQA Act, 1995 (Act 58 of 1995); Skills Development Act, 1998 (Act 97 of 1998); Skills Development levies Act, 1999 (Act 9 of 1999) and the National Skills Development Strategy 1, 2001/05 and National Skills Development Strategy 11, 2005/10. Types of training practice that the government sought to introduce and directly impacted upon Work Force Development are established, and a brief assessment of the ways in which regulations have been used to improve skills is conducted.

4.3 HISTORY OF TRAINING IN SOUTH AFRICA: STRATEGIC CONTEXT

Historically, responsibility for workforce training and development has been a partnership between the state and the employers. Enterprises concentrated on training and retraining of their workforce while the government's concern remained the youth before they are employed and the training of the unemployed (van Dyk, et al. 1997: 13). In order to understand the systemic change environment for education and training one has to grasp the comprehensive legislative framework that preceded the current skills revolution. As early as 1922, employers provided job related training as indicated by the <u>Apprenticeship Act,</u> 1922 (Act 26 of 1922). Various legislation was promulgated with amendments thereto up to a stage when views that a more formalised statutory approach to workforce training and development should be used for all sectors to improve the serious skill deficiencies that existed. Government made a manifesto reference that sought to replace the Industrial Training Boards with Sector Education and Training Authorities and set systems in place to facilitate the setting up of a new statutory framework for training legislation. The new approach to workforce training and development then emerged starting with the SAQA mandate as outlined in the SAQA Act, 1995 (Act 58 of 1995), Vutsila and the National Skills Development Strategy (NSDS) led by the Department of Labour, Tirisano which is the Working Together strategic development plan of the Department of Education, and the National HRD Strategy (SAQA Bulletin, Volume 5 No1; 14).

4.3.1 Evolution of Skills Development Legislation in South Africa

In the past, there was limited support for employee training in the workplace. The majority of workplace training was reserved for jobs that had been defined by apartheid, the majority of which were reserved by whites for white males. Even the quality of this training was questionable, as it tended to be infrequent, unstructured and not geared towards any clear objectives (van Dyk, **et al**. 1997: 13).

According to van Dyk**, et al.,** (1997: 87), the Master and Servants Acts, 1867 (Act of 1867) were the only acts that remotely referred to training in the previous century. Subsequent to this Act, it was felt that the best method of training skilled workers to attain artisan status

was through apprenticeship and the was consequently passed to regulate apprenticeship Apprenticeship Act, 1922 (Act 26 of 1922). The Act was made applicable to industries such as: boot making, building, clothing, carriage building, electrical engineering, food, furniture, leather working, mechanical engineering and printing. It provided for the designation of trades and apprenticeship committees for each of the industries listed above consisted of an equal number of employers and employees as well as inspectors of apprenticeships contracts and their registration with mines and industries. Following the Apprenticeship Act, 1922 (Act 26 of 1922), the number of apprenticeships increased as apprentices were required to attend technical classes (Abedian and Standish: 1992). The Apprenticeship Act, 1922 (Act 26 of 1922) is claimed to have failed to promote coordination between apprenticeship committees in different areas thus creating lack of uniformity causing restriction in the mobility of labour. This act was subsequently repealed and replaced by the Apprenticeship Act, 1944 (Act 37 of 1944).

In 1945 the United Party government appointed a commission of enquiry through the De Villiers Commission of Enquiry into Technical and Vocational Education. The Commission report was released in 1948 and led to the promulgation of the Training of Artisan Act, 1951 (Act 38 1951). This Act empowered the Minister of Labour to provide for the training of adults in trades where a shortage of artisans was severe enough to have an adverse effect on the public interest (Sooklaal, 2005: 26). In 1958 there was a growing dissatisfaction about the apprenticeship system and as a result the Minister of Labour requested the National Apprenticeship Board to investigate possible revision of the act. This revision led to the promulgation of the Apprenticeship Amendment Act, 1963 (Act 46 of 1963). This act made provision for improvement of apprenticeships, provision for block release classes, voluntary attendance technical classes beyond the second year of apprenticeship and voluntary trade tests (van Dyk, **et al.,** (1997: 88).

In an attempt to identify a way forward for skills development the government established the Van Zyl Committee to investigate the low level of training for unskilled Black employees. This committee in 1973 made a number of recommendations for more state intervention in the field of training for Blacks. The recommendations of this committee included the need for the establishment of public sponsored training centres, and other

training centres established by industrialists which would be encouraged by a system of tax concessions. All of these recommendations were implemented through the <u>Black Employees In-Service Training Act,</u> 1976, the <u>In-Service Training Act</u> of 1979 and the <u>Manpower Training Act</u>, 1981 (Act 56 of 1981).

The <u>Manpower Training Act</u> No. 56 of 1981 was promulgated in 1981 and became effective on 1 November 1981. According to <u>Government Gazette</u> No. 7762 of September 1981 the act was promulgated to provide for promotion and regulation of the training of human resources and for that purpose of providing for the establishment of a board, to be known as the National Training Board, and a fund, to be known as the Manpower Development Fund; to provide for the recognition of skilled persons as artisans; the registration of contracts of apprenticeship, group training centres, private training centres and training schemes; and the imposition on certain employers of a levy in the aid of training; and to provide for matters connected therewith.

The Department of Manpower also became responsible for approving and registering these training centres and by 1985 a total of 746 private training centres had been registered. However, a number of problems were experienced with the way in which the training centres were funded, including an inefficient use of resources and low employer take-up. The consequence of some of these problems was that the tax concession legislation that has been passed to support these initiatives was subsequently abolished (van Dyk, **et al**. 1997: 89-90)

4.3.2 Apprenticeships Training through the Manpower Training Act

Before 1994, training for skilled workers happened through mainly through apprenticeships. This can be a good way of developing skills, but the way they worked in South Africa and the skills that the systems produced did not always match what the economy needed. An apprentice spent 100 weeks working under the guidance of a skilled, qualified artisan. The apprentice also had one or two periods at a technical college to learn theory for a National Technical Certificate or "N" courses (van Dyk, **et al** 1997: 136). This system worked fine for many years, but over time problems arose including the following:

- Not enough apprentices were being trained. So there were too few people with the skills needed for a growing economy;

- More and more people enrolled for the 'N' courses at technical colleges but could not find companies to give them work experience. This was a big waste of time and money;

- By the 1990s only a few employers were taking apprentices as the government took away the tax incentive system. Also, employers got less skilled workers to do the more routine parts of the artisan's job for less pay, while technicians did the more skilled parts of the job.

4.3.3   Changing the education and training system

According to Powell and Groenmeyer-Edigheji (2006: 3) South Africa's entry into the global market and the concomitant growth in trade has shifted human resource needs to higher level skills. They argue that this is unlike the apartheid era where the economy absorbed large numbers of lowly or semi-skilled workers. In this regard, Meyer and Altman (2005: 33-56) in outlining economic development approaches of the apartheid and democratic periods indicate that developing and late industrialising countries confront two possible economic interventions namely: (i) Import Substitution Industrialisation (ISI) or (ii) Export–Oriented Industrialisation (EOI). The ISI approach endeavours to build industrial capacity within a developing economy by replacing imported goods with domestic products (generally manufactured goods and raw materials).

In the period of early industrialisation, South Africa relied on the ISI approach through import protection and subsidisation. Politically, this approach absorbed whites rapidly entering the urban areas (Powell and Groenmeyer-Edigheji, 2006; 3). Legislation prevented the development of a black artisan class, as whites moved into higher paid jobs. The Group Areas Act, supported by a battery of discriminatory employment and educational policies created a huge gap in skills attainment amongst black people. On the eve of democracy, South Africa was one of the most unequal countries in the world, with a distorted middle income economy and a skill formation that matched a less developed country (Powell and Groenmeyer-Edigheji, 2006: 3).

With the unbanning of the political movements, changes began to take place in training and education in South Africa. In the Manifesto of 2004, in the message from the President of South Africa, Vision 2014 it is stated that "The combination of some of the most important targets and objectives making up the vision 2014 include: to provide skills required by the economy, build capacity and provide resources across society to encourage self-employment with an education system that is reared for productive work, good citizenship and a caring society" (Manifesto 2004, Message from the President; Vision 2014 - Forward to the Second Decade of Freedom; 6). To ensure that the 2014 vision is realised, the South African Government appointed a National Skills Task Force to review post 1994 education and training.

The process of transforming the South African workplace to ensure equity and productivity began with the new <u>Labour Relations Act</u>, 1995 (Act 66 of 1995), which promotes fair labour practises and simplifies dispute resolution procedures for business and labour. It was followed by the <u>Basic Conditions of Employment,</u> 1997 (Act 75 of 1997, which covers the day-to-day rights of people in the workplace. From 1995 to 1999, a range of Acts was passed which strongly affected education and training in South Africa:

i.   The <u>South African Qualifications Authority Act</u>, 1995 (Act 58 of 1995);
ii. The <u>Skills Development Act</u>, 1998 (Act 97 of 1998); and
iii. The <u>Skills Development Levies Act</u>, 1999 (Act 9 of 1999).

Simply explained, the <u>Skills Development Act,</u> 1998 (Act 97 of 1998) ensures that training happens, the <u>South African Qualifications Authority Act</u>, 1995 (Act 58 of 1995) ensures that training is effective, the <u>Skills Development Levies Act</u>, 1999 (Act 9 of 1999) ensure that training is affordable while the Employment Equity Act, 1998 (No 55 of 1998) ensures that training is equitable (Tourism Learnership Project, 2001).

4.3.4 The Human Resources Development Strategy for South Africa (HRD)

No country can utilise its human resources to the optimum if there is no planning for the future demands to be made on human resources. Training and development of human

resources is not a short-term process, nor is the planning of human resources. Briggs (1987: 1213) states that the effective planning of a country's human resources will contribute much to national productivity, and as such lead to increased economic growth. A need has always existed for the South African government to devise a strategy for rigorous, constructive and focused programmes of study to prepare the large percentage of unemployed youth for employment. The majority of this group is constituted by the high school leavers who are not likely to pursue a university education programme but would like to join the workforce. Also included in this group is the current inadequately- skilled work force.

The Human Resources Development Strategy was identified by the Reconstruction and Development Programme as one of the core programmes to drive the implementation of the reconstruction and development in South Africa (HRD Strategy, 2009-2014: 12). Coupled with the Government's economic policies, the HRD Strategy requires human resource development at a large scale. Improved training and education are fundamental to higher employment, the introduction of more advanced technologies, and reduced inequalities (White paper on Reconstruction and Development, 1994). According to the White Paper on Reconstruction and Development (1994) higher labour productivity will be the result of new attitudes towards work and especially new skills in the context of overall economic reconstruction and development.

Human Capital theory explores the ways individuals and society derives economic benefits from investment in people. Analysis of most successful organisations will reveal that the source of that success rests on human capital. Phillips (2005: 1) describes human capital as representing the relationship between what organisations invest in employees and the emerging success. It is the people and how the organisation has attracted, maintained, motivated and retained the knowledge, skills, and creative capacity of those employees. It is important that there be greater understanding of this kind of investment in order to make the appropriate decisions on investment. From an economist's point of view, human capital designates investments in improving competencies and skills (Phillips, 2005: 190).

The Human Resources Development (HRD) Strategy concept was adopted to support a holistic approach to human resource training and development in the Public Service. To enable it to actualise its constitutional mandate of creating a better life for all, the government envisages a public service that is guided by the ethos of service and committed to the provision of high quality service (Human Resources Development Strategy, 2002/06:3). The Human Resources Development (HRD) Strategy for South Africa ensures that the various components of the state work together to deliver opportunities for human development and to ensure that relevant constitutional provisions are progressively implemented.

4.3.5 The National Skills Development Strategy (NSDS)

The second strategy, the National Skills Development Strategy (NSDS II; 2005/10), is aimed at addressing the structural problems of the labour market that were inherited from the past. It is also intended to transform the South African labour market from one with a low skills base to one characterised by rising skills and a commitment to lifelong learning. The National Skills Development Strategy Implementation Report (NSDS; 2003/04) describes the strategy as an inclusive one, and that it addresses national sectoral, workplace and individual needs. The strategy identifies priorities for skills development and the contribution it makes towards an emerging national human resources development strategy. It then makes provision for a new system of learning, which combines structured learning and work experience, culminating in nationally recognised qualifications that signify job readiness within the National Qualifications Framework (NQF).

The South African Government's commitment to promoting active labour market policies and strategies while guaranteeing the quality of training and education provided is demonstrated in the South African Qualifications Authority Act, 1995 (Act 58 of 1995); Skills Development Act, 1998 (Act 97 of 1998), and the Skills Development Levies Act, 1999 (Act 9 of 1999). Collectively, the legislation introduces new institutions, programmes and funding policies designed to increase investment in skills development. The overriding priorities include: the global economy and the imperative to increase skills within the country to improve productivity and the competitiveness of its industries, businesses,

commerce and services; and the challenges of an unequal society, to make it more inclusive and to encourage greater cohesion (Human Resources Development Strategy for the Public Service, 2002/06: 6).

With the change in government, the Department of Education in response to the shortage of highly trained graduates in fields such as science, engineering, technology and commerce (largely as a result of discriminatory practices that limited access to black students) embarked on a plan to review the framework underpinning training legislation in Higher Education. The Higher Education Act, 1997 (Act 101 of 1997) was developed to articulate legislation for higher education provision of training for both public and private institutions. Subsequent to the development of the Higher Education Act, 1997 (Act 101 of 1997), the Human Resource Development Strategy for the Public Service, (2002/2006) was developed. It ensured that practical effect is given to both the National Skills Development Strategy and the Human Resource Development Strategy for South Africa (Human Resource Development Strategy for the Public Service, 2002/06:10).

4.3.6 Skills Development Legislation: Post-1994

South African training legislation is aimed at creating structures for improving the level of skills of all classes of work (including rural workers). It enhances their employment opportunities and creates the possibility of improving their conditions of work and life. Skilled workers have always enjoyed higher wages than laborers and hence are able to afford a better quality of life (van Dyk, **et al**., 1997: 86).

The South African Qualifications Authority Act, 1995(Act 58 of 1995) was the very first act that was passed by the new democratic government. The Act provides for the development and implementation of a new framework for education and training in South Africa by creating a single, unified system of education and training qualifications in the country, the National Qualifications Framework (NQF) South African Qualifications Authority Act, 1995 (Act 58 of 1995). The South African Qualifications Authority Act, 1995 (Act 58 of 1995) also enabled the accreditation of SETAs as Education and Training Quality Assurance bodies (ETQAs) to ensure that these qualifications are of a high quality.

SAQA, through the NQF has developed a national quality assurance system that affects the quality of learning for all learners, for those in high profile occupations, those attending celebrated institutions and selected schools and those participating in formal and informal education programmes.

Appointed by the Ministers of Education and of Labour, the South African Qualifications Authority (SAQA) comprises of a Board of 29 members who are identified by stakeholders in education and training. SAQA also advise the Ministers of Education and Labour on matters affecting registration of standards and qualifications as well as on the pool of human resources across the job market that are available to satisfy the country's work requirements in South Africa (NQF Impact Study Report 1, 2004: 11). In terms of section 5(1) a-d of the South African Qualifications Authority Act, 1995 (Act 58 of 1995) the functions of SAQA are to oversee the development and implementation of the National Qualifications Framework defined as in table 4.1:

Table 4.1: Functions of the South African Qualifications Authority

Section		Function
5.(1)	a.	(i) to oversee the development of the National Qualifications Framework

		(ii) to formulate and publish policies and criteria for
		
		    aa. the registration of bodies responsible for establishing education and training standards or qualifications; and
		
		    bb. the accreditation of bodies monitoring and auditing achievements in terms of such standards and qualifications

	b.	(i) to oversee the implementation of the National Qualifications Framework, including;
		(ii) the registration or accreditation of standards generating bodies and the assignment of functions to them
		(iii) the registration of national standards and qualifications
		(iv) steps to ensure compliance with provisions for accreditation ; and
		(v) steps to ensure that the standards and registered qualifications are internationally comparable;
	c.	(i) to advise the Minister on matters affecting the registration of standards

		and qualifications; and
	d.	(i) to be responsible for the control of the finances of the Authority.

(Source: Adapted form the South African Qualifications Authority Act, 1995 (Act 58 of 1995**)**

As per South African Qualifications Authority Act, 1995 (Act 58 of 1995) the Authority is required to perform the tasks listed in Table 4.1 above after consultation and in co-operation with all bodies and institutions responsible for education, training and certification of standards which are affected by the National Qualifications Framework. In carrying out the above mentioned tasks, it must comply with the various rights and powers of bodies in terms of the **South African Constitution** (Constitution 1996) and Acts of parliament.

Another critical role that is played by SAQA in fulfilling its mandate is development and maintenance of the electronic information management system referred to as the National Leaner Records Database (NLRD). The first version of the NLRD was launched in 1999. Its purpose is to provide reports and research that can be used to advise the Ministers and other decision makers about education and training matters. This electronic information management system is populated with registered standards and qualifications, so that there is a single record of what education and training is available in South Africa. It is also populated with accredited institutions so that learners and employers know training providers that are able to offer qualifications of required standard. Furthermore, learner achievements are kept on the National Learners Records Database so that decision makers know what qualifications are being offered to learners, the areas in which learners are experiencing success and where gaps are in the provision of training (The National Qualifications Framework: An Overview, 2000: 19).

4.3.7   The National Qualifications Framework (NQF)

One of the key tasks of the South African Qualifications Authority was to oversee the development of the National Qualifications Framework (NQF) (South African Qualifications Authority Act, 1995 (Act 58 of 1995)). According to Tuck, **et al.,** (2004:11) the NQF has its origins in the development of modular or unit-based systems pioneered over the last 20 years in Scotland, New Zealand and South Africa. Frameworks have now been developed

(or are being developed) around the world: for example, in Australia, most SADC countries, many European Union (EU) and EU candidate countries, and in a number of former Soviet Republics. The SADC countries include Botswana, Mauritius, Namibia, the Seychelles, Tanzania and Zambia. The understanding of what a qualifications framework is and what it is intended to achieve will not only vary from country to country but may even vary within countries. These variations are tied to the political and cultural context of the country developing the framework. Tuck (**et al**. 2004: 3) state the main reasons for developing qualifications frameworks internationally as including: addressing issues of social justice, improving access to the qualifications system and progression within it, establishing standards, achieving comparability and intra-national or international benchmarking. South Africa's framework, as Granville (2004) points out, is the main (or perhaps sole) example of a framework primarily intended to contribute to a national programme of social reconstruction and, from that point of view alone, is worth studying.

The South African NQF traces its origins back to the labour movement of the early 1970s (The National Qualifications Framework: An Overview, 2000; 4-5). From the early 1970s, 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. This in turn led to black workers seeing training as a means of achieving their demands for better wages. The struggle to persuade employers to accede to worker demands continued into the 1980s and in 1989 the National Union of Metalworkers of South Africa (NUMSA), established a research group comprising workers and union officials, to formulate recommendations on training. 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. 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. The proposal was formally adopted by the Congress of South African Trade Unions (COSATU) in July 1991.

The mid-1970s also witnessed a demand for change in education, spearheaded by the non-governmental education sector. Protest was epitomised in the Soweto student uprising

of 1976, which was followed by nation-wide student protest. By the 1980s the entire education system had been discredited and rejected. Non-governmental education sector resistance resulted eventually in the formation of the National Education Policy Initiative (NEPI), which set about developing proposals for the restructuring of the formal education system (Hartshorne, 1992: 344). In 1990, efforts of the government's intention to dismantle apartheid gave added movement to, and were symptomatic of the change of the policy towards worker and student demands.

According to the National Qualifications Framework: An Overview (2000:19), the shift in thinking was from education for employment – developing the ability to do a specific job – to education for employability – developing the ability to adapt acquired skills to new working environments. The Department of Manpower, through the National Training Board (NTB), embarked as far back as the 1980s upon a number of initiatives, notably the restructuring of the apprenticeship system into a competency-based modular training system run by autonomous industry training boards (van Dyk, **et al.,** 1997: 88). However, unions viewed the process as flawed, not only because it excluded workers, but also because the proposals emanating from the initiatives were narrowly focused on apprenticeships to the exclusion of basic education, which was seen as a point of access to skills training. A working group with representation from trade unions, employers, the State, providers of education and training, the ANC Education Department, and the democratic alliance finally reached an agreement on a seamless integrated framework similar to that adopted by Scotland, England, New Zealand and Australia (NQF Impact Study Report 1, 2004: 7).

The primary objective of the NQF is an integrated approach to education and training in one national system, while opening up access and possibilities for articulation and mobility within the system through the portability of accumulated credits. The significance of the NQF cannot be overstated as it provides for the first time in the history of South African education, an integrated system of qualifications for its citizens. Through the NQF all South Africans have the assurance that their SAQA registered qualification will have credibility in the workplace and will contribute to career development. Learners benefit from training

towards national qualifications as lifelong learning and career advancement facilitated by the learning paths in the qualification structure (Tourism Learnership Project; 2001).

Education and training are best seen as representing a continuum of learning. According to the report of the Study Team on the Implementation of the National Qualifications Framework (2002: 68) the general and vocationally oriented programmes of learning have different purposes, these purposes overlap and can be profitably linked within a single framework. For one thing, many qualifications fall into neither the education nor training camps but are combinations of both. For another, learners need increasingly to move from one to the other, and one of the important contributions of the NQF is to make this happen more efficiently and coherently.

The NQF also attempts to integrate education with training and claims that both education and training are recognised forms of learning. Its first objective is the creation of an integrated framework for learning achievement as shown in table 4.2 below.

Table 4.2: Structure of the National Qualifications Framework (NQF)

NQF LEVEL	BAND	QUALIFICATION TYPE	LEARNING PROVIDER
Higher Education and Training Band			
8 7 6 5	Higher Education and Training	• Further Research Degree • Doctorate • Master's Degree • Professional qualification • National First Degree (360 credits) • Higher Diploma • National Diploma (240 credits) • National Certificate(120 credits)	Registered institutions (including universities, technikons, and colleges) accredited as Public or Private Higher Education and Training Providers in terms of the Higher Education Act (1997) and the Education and Training Quality Assurance Body Regulations (1998).
Further Education and Training Band			
4 3 2	Further Education and Training	• National certificate (120 credits)	Registered institutions (including schools) accredited as Public or Private Further Education and Training Providers in terms of the Further Education and Training Act (1998) and the Education and Training Quality Assurance Body Regulations (1998).
General Education and Training Band			
1	General Education and Training	• National certificate (120 credits)	Registered institutions (including schools) accredited as Public or Private Further Education and Training Providers in terms of the Further Education and Training Act (1998) and the Education and Training Quality Assurance Body Regulations (1998).

(Source: SAQA, NQF Impact Study Report 1: 2004)

The intention of "an integrated framework" was to remove disparities of esteem. First, either between learning attained in formal educational institutions or in workplaces (the formal - non-formal divide), and second, between various institutions (the status of institutions). At

the same time, according to Christie (1997: 89-90), it was understood that an integrated framework "would allow different curricula to work within it, to meet the needs of different situations and different sets of learners, while achieving equivalence in outcome". In other words, an integrated framework would make it possible for learners to enter education and training from different pathways because such pathways would be equally valuable.

The Skills Development Act, 1998 (Act 97 of 1998) was introduced in 1998. The act makes provision for encouraging employers to invest on training thereby developing and growing skills in the workplace. The Act also aims to bring about a culture of continuous learning, providing both new entrants to the labour markets and individuals who have previously experienced difficulty in finding employment with new job opportunities (Succeed/ Essential Special Publication: 28).

The overall aim of the Skills Development Act, 1998 (Act 97 of 1998) is to improve the skills of people of South Africa. A better-educated and trained workforce is needed to make the country more efficient and to trade more competitively with the rest of the world. To secure a better trained workforce the Act:

- Introduces a new set of guidelines, rules, and structures to determine and implement national sector and workplace skills development strategies;
- Makes sure that more training and development programmes provide workers with nationally recognised qualifications that are that are recognised in the National Qualifications Framework;
- Provides for learnerships that lead to recognised qualifications;
- Establishes new ways to pay for skills development through a levy/grant system and the National Skills Fund; and
- Establishes a National Skills Authority (NSA) and Sector Education and Training Authorities (SETAs).

The Skill Development Act, 1998 (Act 97 of 1998) has led to the establishment of SETAs which are agencies responsible for implementing skills development and identifying priorities for skills development. Twenty five SETAS were originally n established by the

Minister of Labour according to economic sectors. Each sector covers a group of economic activities that are linked and related. SAQA has accredited these SETAs as Education and Training Quality Assurance (ETQAs) bodies for quality assuring education and training in their sectors. The 25 SETAs have now been reduced to 23 since 2005.

Supporting the initiatives promoted by this legislation are national laws and strategies to promote the employment of previously disadvantaged people include legislation on quota obligations and employment equity. In 2001, the Minister of Labour, on advice by the National Skills Authority launched a National Skills Development Strategy. This strategy outlines specific and measurable targets to achieve the broader objectives of the legislation (NQF Implementation Report, 2004: 1). The quota schemes include an obligation on companies to train and place a specified percentage of Africans, Females and People with disabilities in their workforce. They stipulated that 85% of employees should be black, 54% female and 4% disabled for each SETA.

One of the reasons for poor skills development in the past was that not enough money was being spent on training. With the promulgation of the Skills Development Act, 1998 (Act 97 of 1998), the Skills Development Levies's Act, 1999 (Act 9 of 1999) and regulations which prescribe how the skills development strategy is funded were laid down. The Skills Development Act, 1998 (Act 97 of 1998) made changes to traditional training by creating new structures for training through funding incentives to encourage more training forms of learning programmes and proposed ways of assisting all people get skills and jobs. The responsibility for investing in training lies with individuals, business and the government. Moreover, the government considered a range of financial incentives to encourage training. These included both public expenditure and tax incentives. In order to promote the learnership targets in the National Skills Development Strategy (NSDS), the learnership tax allowance was introduced in 2002 as an enabling mechanism Income Tax Act, 1962 (Act 58 of 1962 as amended). The tax incentive provides financial benefits to employers regarding the cost of training.

According to section 12H of the Income Tax Act, 1962 (Act 58 of 1962 as amended) an employer is entitled to a tax allowance both when a learner registers on the learnership

programmes and another one on the successful completion of the programme. The tax incentive has enabled employers to recruit additional learners that were previously unemployed. The Department of Labour attest to the fact that the number of learners have increased drastically, exceeding 100 000 since the introduction of the learnership tax incentive Income Tax Act, 1962 (Act 58 of 1962 as amended).

The Skills Development Levies Act, 1999 (Act 9 of 1999) serves to introduce a levy payment system to fund skills development. It describes how money is collected through levies paid by employers. The act is in three chapters with chapter one providing for the administration, imposition and recovery of the levy; chapter two deals with collection of the levy by SETAs and chapter three deals with general provisions and penalties. A National Skills Fund (NSF) was established in 1999 in terms of the Skills Development Act, 1998 (Act 97 of 1998) to support the implementation of the National Skills Development Strategy (NSDS). The Skills Development Levies Act, 1999 (Act 9 of 1999) promotes the development and improvement of the skills of the country's workforce. The Act requires that employers pay a skills development levy from which they can claim portions for the training they have implemented. This compulsory levy was given force through the Act which also outlines the details of who should pay the levy and what amounts should be paid. The levy is 1% of the leviable amount, this being the total amount of remuneration, paid or payable, by an employer to its employees during any month including normal salary, wages, overtime pay, bonus, gratuity, commission, pensions and retirement allowances and travelling allowances. This levy must be paid by every employer who is registered with the South African Revenue Services (SARS) for PAYE and employers who have an annual payroll in excess of R250 000.

According to the Skills Development Levies Act, 1999 (Act 9 of 1999) SASSETA is to pay grants to employers in their sector who have met the criteria for various categories of grants. From 2001, eligible employers were to claim grants up to 70% of the levy they have paid. The grants are categorized into Mandatory grants and discretionary grants. Mandatory Grants are paid by SASSETA when employers who pay the levy meet the established requirements and they are approved by SASSETA. This grant is payable on approval of the nominated Skills Development Facilitator, a Workplace Skill Plan and an

Implementation Report. Discretionary Grants are paid to employers (who may or may not be paying levy) who implement skills initiatives that are usually in addition to those in the Workplace Skills Plan. With effect from 2001/02 discretionary grant payment focused on implementing learnerships and instituting Recognition of Prior Learning.

4.4   NEW FORMS OF PROFESSIONAL AND VOCATIONAL EDUCATION AND TRAINING

The Skills development legislation mandates SASSETA to identify the need for skills in the Private Security Sub-sector. SASSETA is also required to identify scarce and critical skills for implementation through workplace based training. SAQA determines the standards for these skills and the Skills Development Levies legislation provides the funds for the development of these skills. It is imperative that the meaning of this new kind of training be explained before elaborating on the new forms of professional and vocational education and training.

4.4.1   Workplace based training

According to the <u>South African Qualifications Authority Act</u>, 1995 (Act 58 of 1995) all training that takes place at workplaces is written in learning outcomes which explains what learners will know and can do when they are competent. These outcomes are recognised through national standards and qualifications. Qualifications are made up of standards, each of which carries a number of smaller parts called credits. Each credit is equal to an average of about ten hours of learning. Trainees can earn their credits without going to a course if they can show that they already have the skills and knowledge required in the standards and qualifications. This concept is referred to as the Recognition of Prior Learning (RPL). It means that people's skills must be recognised even if they have learnt it simply through doing, rather than through a formal course.

Through the <u>South African Qualifications Authority Act</u>, 1995 (Act 58 of 1995) standards and qualifications obtained through work-based training are recognised by every training provider and will be portable or transferable from one workplace to another and one provider to another. Also, standards are the same across the country so that everyone knows what a particular standard means. Every standard is registered on the National Qualifications Framework (NQF) which is available on the SAQA web site and documents for everyone.

4.4.2 Learnerships

Problems with apprenticeships were highlighted earlier in this study and learnerships were highlighted as the preferred and most appropriate training programmes to replace them. In view of the problems that arose from the apprenticeship system as well as the end of apartheid laws, new laws that gave equal opportunities to all were developed. These laws include the **South Africa Constitution (**Constitution 1996), <u>Labour Relations Act</u>, 1995 (Act 66 of 1995) and the <u>Employment Equity Act,</u> 1998 (Act 55 of 1998). These laws paved way for recognition of human rights, issues of equity, access, redress and discrimination to be addressed. These laws signified the end of working and doing things the old way.

Learnerships are defined as a work-based route for learning and gaining qualifications. They are registered with the Department of Labour through a SETA once it meets the criteria set out in the regulations and a qualification is registered by SAQA, which then relates it to an occupation (Zimmelman, 2005: 198). Learnerships were introduced through the Skills Development Act, 1998 (Act 97 of 1998). They are intended to help in meeting the skills shortages that the country is faced with. According to the Skills Development Act, 1998 (Act 97 of 1998) section 16: A SETA (Sector Education and Training Authority) may establish a learnership if:

a)   The learnership consists of a structure of learning component;

b)   The learnership includes practical work experience of a specified nature and duration;

c)   The learnership would lead to a qualification registered by the South African Qualifications Authority and is related to an occupation.

Learnerships form part of an integrated human resource development system within the enterprise which focuses on education, training and employment services that replace the old apprenticeship system. They also serve as a mechanism to link structured learning and work experience into qualifications registered on the National Qualifications Framework that will reliably signify readiness for work (Coetzee, 2002:106). The objective of a learnership is to develop broad competency against a full qualification while at the same time providing the opportunity for the learner to be able to contribute to the business and to perform effectively for the period during which he or she is with the company.

A person who successfully completes a learnership gets awarded with a qualification that signals occupational competence and which is recognized throughout the country. Learnerships are important in that they are meant to be suitably flexible to changing needs. Their emphasis is on intended outcomes and practical use of skills that have been taught. Trainees are also taught the reasons why things are done the way they are to understand the theory that lies beneath the practice (SASSETA Sector Skills Plan, 2005-2010: 32)(Access: http://www. Sasseta.org.za. *Retrieved: 13 April 2007*). At various stages the learners are assessed to see if they are progressing and are able to perform the tasks for which they had been trained. This assessment focuses on what learners know and are able to do. What is common to all learnerships, however, is that they are a solution to a perceived national, profession or organisational need. Learnerships often service all three of these levels of need for skills enhancement (Babb & Meyer, 2005:18).

It is open to any employer, group of employers, trade association, professional body, training provider and community group to design and develop a learnership in close liason with the relevant SETA. In practice, employers enter into learnership agreements with learners and training providers. These can be both large and small employers and a group of employers might join together to provide learnerships (Skills Development Act, 1998 (Act 97 of 1998)).

Stakeholders in learnerships include The Department of Labour, the SETA, Employers and Organized Labour. The structure is critical and instrumental in the implementation and functioning of learnerships as they usually form part of the governance structures.

Table 4.3: Key Stakeholders in Learnerships

Key Stakeholder	Role
1. Department of Labour	• Registers the learnership • Provides funding for the learnership through the National Skills Fund (NSF) • Monitoring and evaluating SETA performance on the implemented learnerships
2. Sector Education and Training Authority (SETA)	• Registering the learnerships to the Department of Labour • Applying for funding from the National Skills Fund (NSF) and administering the funding obtained • Reporting on quarterly bases on the progress of • learnerships to the Department of Labour • Communicating and marketing learnerships • Registering learnership agreements • Monitoring and evaluating the success of the • implemented learnerships
3. Employers	• Preparing the workplace for placement of learners • Communicating within the organisation as appropriate • Offering learners structured workplace experience • Coaching and mentoring of learners for the duration of the learnerships • Reporting to the SETA on the on the progress of the learners in the workplace
4.Organised Labour	• Serving on the governance structure and training committee • Ensuring fairness in the learnership implementation • Assisting in the marketing of learnerships

(Source: Adapted from: Bank SETA Learnerships: Babb & Meyer, 2005)

The learnership agreement, in which employers enter with each learner, spells out the duties and obligations of the employer, the learner and the training provider. Learnerships are intended to develop broad competency against a full qualification while at the same time providing the opportunity for the learner to be able to contribute to the business and to perform effectively for the period during which s/he is with the company (Babb and Meyer, 2005: 198). Learnerships are available for young as well as mature people. They are

designed at different levels on the NQF and range from introductory to paraprofessional levels.

4.5   THE PRIVATE SECURITY INDUSTRY REGULATORY AUTHORITY (PSIRA) AND THESAFETY AND SECURITY SECTOR EDUCATION AND TRAINING AUTHORITY (SASSETA)

There are currently two government appointed bodies that are custodians of regulatory law enforcement and standard setting for the security industry in South Africa. They are the Private Security Industry Regulatory Authority (PSIRA) and the Safety and Security Sector Education and Training Authority (SASSETA).

4.5.1   The Establishment of the Private Security Regulatory Authority (PSIRA)

Following growing anxiety in the country regarding lack of skills among Security Officers, the Security Officers Act, 1987 (Act 92 of 1987), which did not emphasize or prioritize training of Security Officers as obligatory, was later   replaced by the Security Officers Amendment Act, 1997(Act 104 of 1997). The Security Officers Amendment Act, 1997 (Act 104 of 1997) amended the Security Officers Act, 1987 (Act 92 of 1987) in order to substitute the definition of Board, to determine the seat of the head office of the Interim Board, make provision for the establishment and the constitution of an Interim Board to exercise control over the occupation of security officer and to maintain, promote and protect the status of that profession until a new permanent Security Officers Board has been established and to determine the objects, functions, powers and duties of the Interim Board. In addition to the functions mentioned above, the Security Officers Act, 1987 (Act 92 of 1987) was passed to provide for the Minister for Safety and Security to conduct certain consultation before the appointment of the members of the Interim Board, to authorise the Interim Board to submit reports to the Minister for Safety and Security regarding the statutory functions thereof, to provide for calling of a meeting of the Interim Board upon receipt by the chairperson of a request by seven or more members.

The Private Security Industry Regulatory Authority came into being through the promulgation of the Private Security Industry Regulation Act, 2001 (Act 56 of 2001) which

came into effect in 2002. This new Act repealed the Security Officers' Act, 1987 (Act 92 of 1987) and made provision for the establishment of the new Private Security Industry Regulatory Authority (PSIRA) in terms of section 2(1) of the Act. The primary objectives of the Authority as stipulated in Section 3 of Chapter 2 of this Act include the regulation of the of the private security industry and to exercising effective control over the practice of the occupation of security service providers in the public and national interest and in the interest of the private security industry itself. Included in the PSIRA objectives is also the promotion of the empowerment and advancement of persons who were historically disadvantaged through unfair discrimination in the private security industry. The rest of the objectives of the PSIRA are listed in the table below:

Table 4.4: The primary objectives of the Private Security Industry Regulatory Authority (PSIRA)

(a) promote a legitimate private security industry which acts in terms of the legislation.
(b) ensure that all security service providers act in the public and national interest in the rendering of security services;
(c) promote a private security industry which is characterised by professionalism, transparency, accountability, equity and accessibility;
(d) promote stability in the private security industry;
(e) promote and encourage trustworthiness of security service providers;
(f) determine and enforce minimum standards of occupational conduct in respect of security service providers;
(g) encourage and promote efficiency in and responsibility with regard to the rendering of security services;
(h) promote, maintain and protect the status and interests of the occupation of security service providers;
(i) ensure that the process of registration of security service providers is transparent, fair, objective and concluded timeously

(j) promote high standards in the training of security service providers and prospective security service providers;
(k) encourage ownership and control of security businesses by persons historically disadvantaged through unfair discrimination;
(i) encourage equal opportunity employment practices in the private security industry;
(m) promote the protection and enforcement of the rights of security officers and other employees in the private security industry;
(n) ensure that compliance with existing legislation by security service providers is being promoted and controlled through a process of active monitoring and investigation of the affairs of security service providers;
(o) protect the interests of the users of security services;
(p) promote the development of security services which are responsive to the needs of users of such services and of the community;

(Source: Adapted from the Private Security Industry Regulation Act, 2001 (Act 56 of 2001))

4.5.2 The Establishment of the Safety and Security Education and Training Authority (SASSETA)

The SASSETA is the former Police, Private Security, Legal Practices, Correctional Services and Department of Justice (POSLEC) SETA which was established through the Skills Development Act, 1998 (Act 97 of 1998). The SASSETA was re-established by the Minister of Labour on the 1st of July 2005 after an exercise of SETA landscaping that resulted in the amalgamation of the five POSLEC SETA sub-sectors with three of the former Defence, National Intelligence, Diplomacy, Trade and Industry and Secret Services (DIDTETA) Sub-Sectors, namely Defence, National Intelligence Agency and Secret Services.

The Safety and Security Sector Education and Training Authority (SASSETA) started as the Police, Private Security, Legal, Correctional Services & Justice Sector Education &

Training Authority (POSLEC SETA or SETA) which was established through the Skills Development Act, 1998 (Act 97 of 1998). The Police, Private Security, Legal, Correctional Services & Justice Sector Education & Training Authority (POSLEC SETA or SETA) was established by the Minister of Labour on 20 March 2000 in terms of section 9(1) of the Skills Development Act 1998 (Act 97 of 1998).

The scope of coverage of the POSLEC SETA, as approved and set out in the Government Gazette Notice No. 265 of 20 March 2000, included the following subsectors:

- Policing - includes South African Police Services, the Independent Complaints Directorate, the Secretariat for Safety and Security and the Scorpions;

- Private Security Services - including all private security companies, companies providing personal protection and intruder detection companies;

- Legal Practice - including all Advocates, Attorneys, Paralegals, Intellectual Property Practitioners and Commercial Legal Advisors;

- Justice - including all Judicial Officers, the Department of Justice, Sheriffs, Registrars/Masters, Interpreters and Public Defenders; and

- Correctional Services - including the Department of Correctional Services, private prisons and detention centers (private and public).

As prescribed by the Skills Development Act, 1998 (Act 97 of 1998), the composition of a Sector Education and Training Authority (SETA) is restricted to members representing organised labour, organised employers (including small business) and relevant government departments in the sector. Unlike bargaining councils under the Labour Relations Act, 1995 (Act 66 of 1995), trade unions, employer organisations and the State do not have the status of parties to a SETA. They are represented on the SETA by the members they have nominated. A SETA must have an equal number of members representing employees and employers. Apart from this requirement, the Act is silent on how the representation of organised labour and organised employers on the SETA should be determined or how disputes about representation should be resolved (SASSETA; Workplace Skills Plan: 2006).

SASSETA was formed through the amalgamation of the Poslec SETA with DIDTETA. DIDTETA was the SETA that was responsible for Defence, Intelligence, Diplomacy, National Intelligence Agency and the South African Secret Services. The Minister through the Skills Development Amendment Act, 2003 (Act 31 of 2003) amalgamated POSLEC SETA and DIDTETA after consulting the National Skill Authority and the SETAs in question and publishing in the Government Gazette. The two SETAs had three months within which to amalgamate to meet the deadline of 30 June 2005. On the 1st of July 2005 SASSETA was established with a new Constitution as well as a new Governing Board. Its functions were to:

Table 4.5: Statutory functions of Safety and Security Sector Education and Training Authority

a. develop a sector skills plan within the framework of the national skills development strategy;
b. implement its sector skills plan by--   i.   establishing learnerships;   ii.   approving workplace skills plans;   iii. allocating grants in the prescribed manner to employers, education and training providers and workers; and   iv. monitoring education and training in the sector;
c. promote learnerships by--   i. identifying workplaces for practical work experience;   ii. supporting the development of learning materials;   iii. improving the facilitation of learning; and   iv. assisting in the conclusion of learnership agreements;
d. register learnership agreements;
e. within a week from its establishment, apply to the South African Qualifications Authority for accreditation as a body contemplated in section 5 (1) (a) (ii) (bb) and must, within 18 months from the date of that application, be so accredited;
f. collect and disburse the skills development levies in its sector;
g. liaise with the National Skills Authority on--   i. the national skills development policy;   ii. the national skills development strategy; and   iii. its sector skills plan;
h. report to the Director-General on--   i. its income and expenditure; and   ii. the implementation of its sector skills plan;
i. liaise with the employment services of the Department and any education body

established under any law regulating education in the Republic to improve information— i. about employment opportunities; and ii. between education and training providers and the labour market;
j. appoint staff necessary for the performance of its functions; and
k. perform any other duties imposed by this Act or consistent with the purposes of this Act.

(Source: Skills Development Act, 1998 (Act 97 of 1998))

SASSETA is now in the middle of the second cycle of its life span since its establishment as Poslec SETA in 2000. The first cycle started from April 2000 to March 2005 while the second cycle started from April 2005 to March 2010. SASSETA has a number of mandatory obligations which it is required to fulfil. It has to report on its performance to the Department of Labour through an Annual Business Plan, Service Level Agreement and Sector Skills Plan (Implementation of Sector Skills Plan; Draft Guide, 2003). In addition to these documents, SASSETA has to meet certain prescribed National Skill Development Strategy Targets (NSDS) targets. Included in these targets are:

- Payment of grants to employers (NSDS Indicators 2.1 and 2.2);
- The continued development of learnerships (2.3 and 5.1);
- A sharp decrease in the number of workers who do not have an NQF 1 qualification;
- The implementation of learnerships and increasing the numbers of young people under 30 who enter the programmes (5.1);
- Increasing the number of disabled people who are participating in skills development initiatives (NSDS equity target of 4%). (Sector Skills Plan Targets and Business Plan; 2005-2010).

4.6   CONCLUSION

The SAQA Act, 1995 (Act 95 of 1995), the Skill Development Act, 1988 (Act 67 of 1998) and the Skills Development Levies Act, 1998 (Act 9 of 1998) have been enacted to put in place systems and processes that can transform skills development in South Africa. These

can be described as public policy which is instrumental for the attainment of governmental mandates, capacity building and systems change. With the concerns that education and training provision has not always been responsive to the demands of the economy, it is important that policy implementers be mindful that the fact that policies are endorsed and enacted in legislation of various kinds, does not necessarily lead to their effective implementation because certain internal and external variables could impact on the attainment or on the implementation process.

The implementation stage is regarded as the stage that determines the success or failure of public policy. Emphasis should be on enabling employers to train their workforces rather than imposing regulation. As such, they can only be considered to advocate rather than enforce training and must rely on employers seeing the benefits of developing employees. For the South African Government to consider the introduction of revised and improved statutory frameworks for training, a greater understanding is required about the extent to which skills development regulations impact on skills development in South Africa. Information is required on the extent to which regulations cause employers to train employees and/or encourage skill improvements in the Private Security Sub-sector.

This study provides important new insights into the dynamics between regulations and workforce development. Its findings will be used to inform the direction of future policy development. Having identified the legislation which was developed to directly or indirectly impact upon skills development, it is envisaged that the legislation mechanism that controls and influences employers in a variety of ways. A wide range of legislation has been developed to control and guide the way in which employers empower their employees. However, it cannot be guaranteed that these laws have the intended impact on the way in which employers train or develop their employees.