

CAPSI'S CODE OF CONDUCT

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Introduction

Private Security Services has come to acquire the status of a major industry sector due to its exponential growth. There are over 7 million private security personnel employed across the country & the private security services sector is today one of the largest employers in India. The enactment of PSARA (Private Security Agencies Regulation Act), the formulation of NOSs (National Occupational Standards) and the training & certification processes by SSSDC speaks volumes of the sustained & untiring efforts of CAPSI.

Any Industry or a Professional Body, as it grows, needs to evolve a Code of Conduct. Such a Code guides the functioning of its members for maintaining professional ethics, principles & conduct while taking care of the interests of all Stake Holders within the ambit not only of the Govt. Laws, rules & regulations but also in maintaining high ethical & moral standards.

The time for setting out a Code of Conduct for private security agencies has now come. The code of conduct as formulated under the aegis of CAPSI is an attempt in this direction. Needless to say, that this Code of Conduct is not cast in stone. With the passage of time, there could be a need for making amendments so as to incorporate some changes. However, the basic principles of Moral and Ethical considerations would not be compromised. The requirement of adhering to & be guided by an ethical Code of Conduct shall always remain applicable to all members of this Professional fraternity.

Vision

We, the members envision CAPSI as our professional association & as an indispensable resource for all the members. CAPSI as a national association shall oversee that all the members of the private security industry adhere to the code of conduct. Central to achieving our vision is to focus on all our members as the reason of our existence and a resolute respect for our employees as the source of our strength to deliver Quality Service to our clients in a responsive and caring manner.

Mission Statement

To facilitate excellence in bracing up to the security challenges of the Industry and provide superlative quality of services. Under the umbrella of the CAPSI, we shall be promoting healthy competitiveness, equity, diversity and inclusiveness while establishing a level playing field for all the Industry Members without compromising with ethical standards.

Objectives

CAPSI's Code of Conduct intends to establish Principles & Rules which will be followed by all CAPSI Members and their employees so that while maintaining high ethical standards, interests of various stakeholders, viz, Private Security Industry, The Clients, The Employees and Member Companies are taken good care of and the business is conducted in a sustainable and profitable manner.



How would the Code of Conduct affect various stake holders is elaborated as under:

Private Security Industry & Inter Company Relationship

All private security companies as members of CAPSI and their Employees are expected to adhere to the principles of professional Code of Conduct and to contribute to the enhancement of the reputation of the Association and the trust of the public in the professionalism of The Private Security Industry.

The CAPSI's Code of Conduct is intended to establish a framework for the implementation of best practices in the inter-relationships of CAPSI members. The Code represents the ideal to which all CAPSI members agree to subscribe in their conduct & relationships. The Code is an important component of the CAPSI's self-regulation programme and also includes enforcement mechanism for the Code.

The Code is not intended to anticipate and provide solutions to every challenge that may arise in a professional relationship, but it intends to provide a set of core values that will form the basis for the resolution of problems and challenges that may arise in such relationships.

Also, the Code is not intended to establish standards to be applied by third parties, such as the courts, but to create a framework under which CAPSI and its members will govern or self-regulate themselves. The CAPSI members believe that adherence to the values expressed in the CAPSI Code will result in healthy, productive, and mutually beneficial relationships.

The Code is dynamic and may have to be reviewed periodically to incorporate required changes with the passage of time, but the core values of operating within a framework which is in accordance with the provisions of the Law and is based on decency, honesty, fair-play and a live & let-live approach which permits a healthy but ethical competition, will always stay.

The Clients:

All Members must strive to provide Security Services of the highest possible standards in a most Cost-effective manner. This obviously implies that contents of PSARA would be complied with, both in letter & spirit. Also, all Security persons would be professionally trained, skilled and endeavour to attain qualification certifications from concerned security sector skill council or/and under PSARA.

Best Practises and Processes available globally (as contained in say, the Standards & Guidelines published by ISO, ASIS etc) should be included & provided in our Services. This would also imply that all Technological Developments taking place may be suitably included in our services to enhance the effectiveness of our Services to the client.

The Professional Conduct to be followed in our relationship with the Client should be such that as a professional body, we elicit and earn the respect from the Clients.

As Security Advisors, we should render Professionally, Legally & Ethically Correct advice to the Clients.



The Employees

The Interests of the Employees cannot be ignored at any cost. Not only should they get their Legal & statutory dues but their skill levels must be enhanced so that they perform their tasks in a professional manner and at the same time they should understand, see and attain continuous growth in their careers/profession.

They must be provided an inspiring Leadership and a work Culture which builds their self- esteem and self- pride as a professional.

The Individual Company(s) / Member Of CAPSI

The Members have to operate in a business environment which allows them to grow in a sustainable and a profitable & ethical manner so as to continue providing Professional services of the highest order.

Code of Conduct

All Members will:

1. Conduct business in a Professional, Legal, & Honest manner with sense of Social Responsibility to the Clients & Employees while respecting rules of fair competition.
2. Always perform the services within the ambit of the law and not allow or make other members indulge in activities which are in contravention of prescribed Laws & regulations
3. Assist and co-operate with the regulating authority that has the role of monitoring the profession/industry.
4. Accept business only at the level of rate, which ensures that all Statutory Compliances can be met and also provide a decent margin or Service Charge which can ensure sustainable business. Terms of Rate Revision as well as renewal of contract have to be such that statutory compliances can be met. Also, Payment terms and Penalty clauses have to be reasonable and not damaging.
5. Ensure that while taking over business, the legitimate dues of the Outgoing Agency are duly settled /cleared unless otherwise, a prima facie case/legal issue is involved.
6. In case of a dispute with a client, efforts should be made to mutually resolve the issue(s). However, in case bilateral efforts fail, then before taking recourse to a legal remedy, the matter be referred to CAPSI which will use its good offices to arrive at an amicable settlement.
7. While Marketing or in the process of obtaining business, avoid making exaggerated claims/ promises and bad-mouthing about the competitors. Further any confidential information of other clients or of competitors should not be divulged/shared.
8. Ensure that all Security Persons are employed only after due Verification and checking of their antecedents. Proper Documentation of all Personnel employed should be ensured. It has to be ensured that the Guards are adequately trained before deployment.
9. Not indulge in poaching Of Manpower from other agencies directly or indirectly. In fact before employing, either a Clearance Certificate should be insisted upon or a reference check with the previous employer(s) would be made.



10. Ensure that Guards / Field Staff & any other employee of a member agency is not also working simultaneously with another member agency at the same time or in some other shift.
11. Ensure that the role and conduct of the Management should facilitate establishment of good ethical values, work- culture, continuous skill development and progressive career growth to enhance the self- respect and self- pride of the employees. This would result in improvement of the living conditions and social status of the employees as well as that of the Private Security Industry.

Disciplinary/Regulatory Committee

CAPSI members must be realistic about their mutual relationships. They should understand & recognize that from time to time disputes may arise in the course of their business but they would remain committed to the amicable and prompt resolution of these disputes. CAPSI members believe that association should establish a method for internal dispute resolution and should publicize and encourage use of such dispute resolution mechanisms.

Also, there is a need to have some kind of mechanism to ensure that the Code of Conduct is taken serious note of and all Members of CAPSI follow it both in Letter and in spirit. Hence a Disciplinary/Regulatory Committee will be formed at a National Level.

Composition & Working of Disciplinary/Regulatory Committee

It will have Four Members and a Chairperson having Voting Rights.

Their Term will be for Two Years. Their Term will coincide with the term of the President.

Further, they cannot be nominated for more than two consecutive Terms. The elected President will nominate the Committee for the span of his tenure.

Nomination

The Members of The Committee would be nominated from amongst the Members representing various Regions by President CAPSI who would be the ex-officio Chairperson. After being approved by The Chairman CAPSI, concurrence/ratification will be obtained from the Governing Council of CAPSI.

Functions / Responsibilities

The Main Functions /Responsibilities of The Disciplinary/Regulatory Committee will be :

1. Ensure that All Members adhere to the Code of Conduct.
2. Resolve Conflicts that may arise amongst Members.
3. In case a Member violates the Code of Conduct then action against such a delinquent Member is taken. The aim would essentially be to correct the conduct of such member(s). They would be first given a Show Cause Notice which would be, if required, followed by a hearing before the Disciplinary/Regulatory Committee. The Committee may issue a Warning to the delinquent member or if required, may resort to Censuring depending on the gravity of delinquency. In extreme cases, considering the severity of unethical behaviour, the Committee could order suspension/expulsion of the Member from the CAPSI.

Additional Responsibilities

4. The Committee should also assist in compiling a 'Black List 'of Guards and other Employees whose Services have been terminated for gross-misconduct, misappropriation, conviction on heinous crimes etc. so that they are deterred to get an employment with other Member Agencies.

5. The Committee shall maintain list of such Clients who have a poor track record of delayed payment or non-payment of legitimate dues to security agencies or treat Member Agencies in an unreasonable and non-professional manner. This list will provide the information to all Members so that business decisions are taken in the light of knowledge about their unreasonable attitude with the security agencies.
6. The Committee shall also act as a Complaint Redressal Forum. In that, if a Member Agency is being harassed unnecessarily either by any Personnel/party, group /Govt. Agency, they can intervene and find out the cause of such an occurrence and if found fit, the affected Member be given required assistance.

Disciplinary Action : Procedure & Limits

Section 1. Any member of CAPSI may be warned, censured, suspended or expelled as per procedure laid down below, for violation of The Code of Conduct or the By-Laws of CAPSI and/ or, for a conduct unbecoming a member of CAPSI and/or for any conduct which may endanger the welfare, interest or reputation of any individual member or of CAPSI.

Procedure

(a) Warning.

- (i) Cognizance of complaint by the committee.
- (ii) Issue letter to the security agency for appearing before the committee. If it is not feasible for the Security agency to be physically present, a detailed explanation in writing may be forwarded.
- (iii) Hearing the concerned named delinquent agency represented by an authorised official or detailed examination of the explanation given in writing.
- (iv) Deliberation and assessment to be undertaken within the committee.
- (v) Issue of warning.

(b) Censure.

- (i) Cognizance of complaint by the committee.
- (ii) Issue letter to the security agency for appearing before the committee. If it is not feasible for the Security agency to be physically present, a detailed explanation in writing may be forwarded.
- (vi) Hearing the concerned named delinquent agency represented by an authorised official or detailed examination of the explanation given in writing.
- (iii) The committee shall call the complainant again to adduce further evidence against the named delinquent agency.
- (iv) Deliberation and assessment to be undertaken within the committee.
- (v) Issue of letter of censure.

(c) Suspension.

- (i) Cognizance of complaint by the committee.
- (ii) Issue letter to the security agency for appearing before the committee. If it is not feasible for the Security agency to be physically present, a detailed explanation in writing may be forwarded.
- (vii) Hearing the concerned named delinquent agency represented by an authorised official or detailed examination of the explanation given in writing.

- (iii) The committee shall call the complainant again to adduce further evidence against the named delinquent agency. It will be mandatory for the security agency to physically send their authorised representative to attend the hearing.
- (iv) After getting additional evidence as produced by the complainant against the named delinquent agency, the committee shall summon the delinquent agency for second hearing. During this hearing the committee shall inform the delinquent agency, of evidence regarding serious accusation. And shall hear and record the defence of the accused.
- (v) Deliberation and assessment to be undertaken within the committee.
- (vi) Issue of letter of suspension indicating that if desired the delinquent can file an appeal to the Appellate Authority.

(d) Expulsions.

- (i) Cognizance of complaint by the committee.
- (ii) Issue letter to the security agency for appearing before the committee. If it is not feasible for the Security agency to be physically present, a detailed explanation in writing may be forwarded.
- (viii) Hearing the concerned named delinquent agency represented by an authorised official or detailed examination of the explanation given in writing.
- (iii) The committee shall call the complainant again to adduce further evidence against the named delinquent agency. It will be mandatory for the security agency to physically send their authorised representative to attend the hearing.
- (iv) After getting additional evidence as produced by the complainant against the named delinquent agency, the committee shall summon the delinquent agency for second hearing. During this hearing the committee shall inform the delinquent agency, of evidence regarding serious accusation. And shall hear and record the defence of the accused.
- (v) Deliberations and assessment to be undertaken within the committee.
- (vi) In case the committee comes to the conclusion that it is a serious matter requiring expulsion, the committee shall issue a show cause notice to delinquent proposing expulsion and requiring him to submit any further argument by a stipulated date against the penalty proposed to be inflicted.
- (vii) Deliberation and assessment within the committee and issue of letter of expulsion indicating that if desired the delinquent can file an appeal to the appellate authority.

Section 2. Any member of CAPSI, may prefer charges against another member or officer. Written charges against a member or officer shall be filed with the Disciplinary/Regulatory Committee in the following manner:

Memo of written charges containing all the grievances along with substantiating documents shall be submitted to the Chairperson in every case. On receipt of the Memo of Charges, the Chairperson shall provide copies to the following:

- (a) One copy to the Respondent.
- (b) One copy each to the members of the Disciplinary/Regulatory Committee.
- (c) One copy to be kept in the Office of the Chairperson

Section 3. The Committee, depending on the gravity of delinquency/offence, may issue warning, Censor, Suspension, Expulsion of the delinquent/offender. However, the punishment of Warning/Censure are not appealable. The members can resort to appeal to the Chairman in case of an award of punishment of suspension/expulsion.



Section 4. The Committee would arrive at a decision by a majority vote. In case of a Tie –say, if a Member recluses himself and the voting is now at 2-2, then the ‘casting’ Vote of the Chairperson of the Committee would prevail.

Section 5. The complainant shall be responsible for all reasonable expenses incurred by CAPSI in processing his/her grievance/complaint.

Section 6 The Chairperson of the Committee shall ensure to expedite the case by laying down a reasonable time limit for all documents to be provided. He shall also ensure that reasonable time is adhered to arrive at a decision, by the Disciplinary/Regulatory Committee.

Section 7. All the decisions or points decided shall be made known to the parties involved. Further information shall also be provided to Chairman CAPSI/CAPSI Head Office for their attention and appropriate actions.

Section 8. An Appeal, if desired, shall be made to the Appellate Authority within Thirty (30) days after notification.

Appellate Authority

The Chairman shall constitute the Appellate Authority for the purpose of consideration of the decision regarding suspension/expulsion awarded by the Regulatory Committee.

Section 9

- (a) When an appeal has been filed on time after the Disciplinary/Regulatory Committee has made a notification of its decision regarding suspension or expulsion, the defaulting member shall have the right to have a hearing with the Appellate Authority.
- (b) The member shall be notified by registered mail at least thirty (30) days in advance of the date and place of the hearing. The defaulting member shall be entitled to be represented by counsel.

Section 10

- (a) A member who has been censured shall be kept under watch for a period of two years. In case he again commits an offence of delinquency and is again Censored, he shall not be allowed to hold office or an appointed position for period of three years.
- (b) A member who has been suspended shall not be eligible to hold an office or an appointed position for a period of five years.
- (c) If he is an elected officer, or any member holding any other appointed position within the Association and is censored twice or is suspended, shall automatically deemed to have been removed from the position of his appointment.

Acceptance of Code Of Conduct

This Code of Conduct will be published and also be made available on CAPSI Website. All Members of CAPSI will give a written undertaking to CAPSI Head Office that they would abide by The CAPSI Code of Conduct.



Conclusion

The Code Of Conduct is a Document which defines & lays down the manner wherein Members of CAPSI agree that members of the Private Security Industry will conduct themselves as Professionals bound by a Code wherein their Business is conducted in a competent, commercially sustainable manner & in accordance with the provisions of the Law and within the frame work of high ethical standards which takes care of all the stake holders- Clients, Employees and Other Members of this exalted profession.