



**national film and video foundation**  
SOUTH AFRICA  
an agency of the Department of Arts and Culture

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# **NATIONAL FILM AND VIDEO FOUNDATION**

## **ETHICS POLICY**

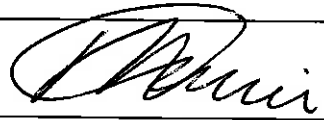

**DECEMBER 2019**

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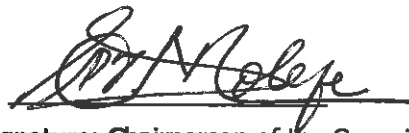
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**DOCUMENT CONTROL**

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Review Date:		
Approval date:	5 December 2019	
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**APPROVAL**

The signatories hereof, confirm their acceptance of the content and authorise the adoption thereof.



Signature: Chairperson of the Council

17-02-2020

Date

**CONTENTS PAGE**

<b>1. PREAMBLE .....</b>	<b>4</b>
<b>2. DEFINITIONS .....</b>	<b>4</b>
<b>3. APPLICATION OF THIS POLICY .....</b>	<b>6</b>
<b>4. PROVISIONS OF THE POLICY .....</b>	<b>6</b>
<b>5. ACCEPTANCE OF GIFTS, HOSPITALITY AND OTHER BENEFITS.....</b>	<b>8</b>
<b>6. ANTI-CORRUPTION AND ANTI-BRIBERY MEASURES .....</b>	<b>8</b>
<b>7. CONFIDENTIAL INFORMATION AND PRIVACY OF COMMUNICATIONS.....</b>	<b>10</b>
<b>8. COMPLIANCE.....</b>	<b>10</b>
<b>9. MISCONDUCT .....</b>	<b>10</b>
<b>10. ANNUAL REVIEW .....</b>	<b>10</b>

## 1. PREAMBLE

- The Ethics Policy is derived from an existing framework of guidelines regulating ethics, good governance and integrity in the public sector (GN R 5947 in GG 18065 of 10 June 1997). The Ethics Policy aims to help protect the integrity of the South African Government and raise public confidence in the institutions of the State, such as the NFVF.
- It aims to strengthen the *minimum* ethical standards of behavior that are expected of NFVF council members, panel members, managers, employees and interns, including upholding respectability, integrity and ethical values in their conduct.
- In order to give practical effect to the relevant frameworks relating to public services, all NFVF council members, panel members, managers and employees are expected to comply with the Ethics Policy.
- The Ethics Policy must be read together with the NFVF's Conflict of Interest Policy, Finance Manual, Human Resource Manual, and the Gifts and Hospitality Declaration Policy.

## 2. DEFINITIONS

- 2.1 **"Business"** means the business of the NFVF in term of the National Film and Video Foundation Act 73 of 1997, as amended;
- 2.2 **"Beneficiary"** means an individual or business that has received funding from the NFVF and/or has an application pending;
- 2.3 **"Employee"** means an employee of the NFVF in the ordinary sense of the word and in accordance with the Labour Relations Act 66 of 1995, as amended and shall include, for purposes of this Policy, NFVF interns;

- 2.4 **"Ethics Policy"** means the Ethics Policy as set out in this document, including all annexures and/or schedules thereto;
- 2.5 **"Gifts"** are items and services of value which are given to any outside parties, but do not include items described hereunder:
- 2.5.1 Customary business entertainment items such as meals and beverages are not to be considered "gifts."
- 2.5.2 Items of minimal value, given in connection with sales campaigns, promotions or employee services, safety or retirement awards are not to be considered "gifts" for purposes of this Policy; and
- 2.5.3 Contributions or donations to recognized charitable and non-profit organizations are not considered "gifts."
- 2.6 **"Management"** means those persons responsible for planning, directing and controlling the activities of the NFVF, including those charged with the governance of the NFVF in accordance with legislation, in instances where they are required to perform such functions.

Management personnel includes:

- 2.6.1 All NFVF Council members and members of sub-committees of Council;
- 2.6.2 Head of Departments;
- 2.6.3 Chief Financial Officer; and
- 2.6.4 Chief Executive Officer
- 2.7 **"Members of the family of a person"** means a spouse, partner or close family member who may have any matter before the NFVF;

- 2.8 **"NFVF"** means the National Film and Video Foundation, established in terms of the National Film and Video Foundation Act 73 of 1997;
- 2.9 **"NFVF anti-corruption and anti-bribery policies"** means the NFVF policies that deal with fraud and corruption prevention measures, which include but not limited to the Conflict of Interest Policy, Gifts and Hospitality Declaration Policy, Ethics Policy, Code of Conduct and Ethics For Employees and the Fraud Prevention Plan.
- 2.10 **"Official"** means any person in the employ of the NFVF, including council members, members of Council sub-committees (including panel members), managers and employees; and
- 2.11 **"Supplier"** includes not only vendors providing goods, services and / or material to the NFVF, but also consultants, financial institutions, advisors, and any person or institution which does business with the NFVF and/or has received funding (i.e. a grant) from the NFVF.

### **3. APPLICATION OF THIS POLICY**

The Ethics Policy is applicable to all NFVF Officials

### **4. PROVISIONS OF THE POLICY**

All Officials of the NFVF must adhere to the following conduct:

- 4.1 Selflessness:
- 4.1.1 They must take or make decisions solely in terms of the advancement of the business of the NFVF, the public interest and without regard to personal financial or other material benefits for themselves,

Members of the family of a person, their business partners, or their friends.

#### 4.2 Integrity:

- 4.2.1 They must avoid placing themselves under any financial or other obligation to any outside individual or organization where this creates a conflict or potential conflict of interest (as defined in the NFVF's Conflict of Interest Policy) with his or her role as an Official of the NFVF;
- 4.2.2 refrain from disclosing any official information for personal gain to their immediate family, their business partners, their friends or to the media; and
- 4.2.3 must not use the NFVF time, materials, information, or other assets in connection with any outside employment whatsoever.

#### 4.3 Objectivity:

- 4.3.1 In carrying out the business of the NFVF, they must do so only on the basis of merit, in accordance with the mandate of the NFVF and the approved strategic plans of the business of the NFVF.

#### 4.4 Openness:

- 4.4.1 They should strive to be transparent about all decisions and actions, bearing in mind the constitutional obligation for openness and transparency; and
- 4.4.2 They must always recognise the public's right to access to information.

#### 4.5 Honesty:

They must declare private interests relating to public duties and resolve any conflict arising in a way that protects the public interest and the NFVF's Stakeholders.

#### 4.6 Leadership:

4.6.1 They must promote and support ethical conduct by leadership and by example; and

4.6.2 refrain from party political activities in the workspace.

#### 4.7 Accountability:

4.7.1 They must be honest and accountable in all their dealings with public funds;

4.7.2 They must use the NFVF's property and other resources effectively, efficiently, and primarily for authorized official purposes; and

4.7.3 promote sound, efficient, effective, transparent and accountable administration.

### **5. ACCEPTANCE OF GIFTS, HOSPITALITY AND OTHER BENEFITS.**

The NFVF prohibits officials from acceptance of gifts, hospitality and other unsolicited benefits.

(see further the NFVF's Gifts and Hospitality Declaration Policy).

### **6. ANTI-CORRUPTION AND ANTI-BRIBERY MEASURES**

6.1 Soliciting of bribes, directly or indirectly accepting or agreeing to accept any gratification from another person; giving or agreeing to give any other person any gratification in order to influence that person directly or indirectly to exercise his powers, duties or legal obligations in a manner for the benefit



of any person is prohibited by the Prevention and Combating of Corrupt Activities Act, No.12 of 2004, the Public Finance Management Act, No. 1 of 1999 and the NFVF's anti-corruption and anti-bribery policies and amounts to misconduct and a punishable offense.

6.2 No NFVF official shall (directly or indirectly) pay, offer, give or promise to pay or authorise the payment of, any portion of the compensation or reimbursements received hereunder or any other monies or other things of value to:

6.2.1 an officer or employee of a government department or government agency; or

6.2.2 any organisation to whom the NFVF may introduce the Supplier or Beneficiary to; or

6.2.3 any political party or official thereof or any candidate for political office; or

6.2.4 any sub-contractor or Supplier or any partner of the NFVF; or

6.2.5 any other person at the suggestion, request or direction or for the benefit

6.2.6 any of the above described persons and entities,

for purposes of influencing official actions or decisions or securing any improper advantage in order to obtain or retain business with the NFVF, or engage in acts or transactions otherwise in violation of any applicable anti-bribery legislation of the Republic.

6.3 The NFVF shall terminate any agreement with any Supplier or Beneficiary in the event that a Supplier, Beneficiary or any member thereof, and/or any Official of the NFVF, is found to have contravened any of the NFVF's anti-corruption and anti-bribery policies.

## **7. CONFIDENTIAL INFORMATION AND PRIVACY OF COMMUNICATIONS**

The NFVF, in accordance with its policies and frameworks, protects the integrity of the NFVF's confidential information which must not be divulged except in strict accordance with established NFVF policies and procedures. This obligation exists during and continues after employment with and / or engagement by the NFVF.

## **8. COMPLIANCE**

All NFVF officials shall sign a declaration annually that they have read, and understood this Policy. The responsibility to ensure that declarations are signed and filed vests with the Human Resources Department and for Council and its sub-committee members, it vests with the Company Secretary.

## **9. MISCONDUCT**

The NFVF may in terms of the Human Resources Manual take disciplinary action against any Official who fails to follow the NFVF's anti-corruption and anti-bribery policies for misconduct. The NFVF may report the misconduct to the South African Police Services for criminal investigations.

## **10. ANNUAL REVIEW**

This Policy shall be reviewed annually and any changes thereto must be approved by the NFVF's Council before coming into effect.