



**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**

## **GIFTS AND HOSPITALITY DECLARATION POLICY**



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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

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## 1 PREAMBLE

- The Gifts and Hospitality Declaration 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 National Film and Video Foundation (“the NFVF”).
- The NFVF recognises that, in serving the public interest, executing its business and in applying standard norms, Officials may be required to accept or receive gifts as a means of gratitude or cultural diplomacy. It is the objective of the NFVF to engage with stakeholders on the principles of quality, service excellence and technical ability and to avoid any impropriety in the acceptance, receiving and giving of gifts.
- The Gifts and Hospitality Declaration Policy must be read together with the NFVF’s Conflict of Interest Policy, Finance Manual, Human Resource Manual, and the Ethics 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; and

- 2.5 **"Gifts"** are items and services of value which are given by, or to or accepted from 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 corporate gifts, 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 **"Hospitality"** can be food, drink, entrance to events, accommodation or entertainment provided free of charge or heavily discounted and for which no direct or indirect contractual obligations exist. These may include, but are not limited to:
- 2.6.1 complimentary tickets to events; or
  - 2.6.2 complimentary tickets to festivals; or
  - 2.6.3 free or heavily discounted flight tickets; and / or
  - 2.6.4 free or heavily discounted accommodation.
- 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 **“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

- 2.8.1 All NFVF Council and members and members of sub-committees of Council;
- 2.8.2 Head of Departments;
- 2.8.3 Chief Financial Officer; and
- 2.8.4 Chief Executive Officer;

- 2.9 **“NFVF”** means the National Film and Video Foundation, established in terms of the National Film and Video Foundation Act 73 of 1997;

**“Official”** means any person in the employ of the NFVF, including council members, members of Council sub-committees (including panel members), managers and employees;

- 2.10 **“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. **PURPOSE**

- 3.1 The improper acceptance of Gifts and Hospitality can lead to accusations of bias and even corruption, potentially leading to investigations and possible charges and corrective action.

- 3.2 The purpose of this Policy is, therefore, to:

- 3.2.1 comply with the requirements of the law relating to the prohibition of corruption;
- 3.2.2 promote transparency and avoid conflict of interest;
- 3.2.3 provide direction and a directive to all NFVF Officials on matters relating to the acceptance and granting of gifts, donations and sponsorships to and by the NFVF;
- 3.2.4 ensure fairness in the interest of Officials and the NFVF; and
- 3.2.5 ensure proper disclosure of all gifts, donations and sponsorships granted and/or accepted by the NFVF.

#### **4. SCOPE OF APPLICATION**

- 4.1. This Policy applies to all NFVF Officials.
- 4.2. This Policy regulates the procedure in accordance with existing legal duties and obligations that an NFVF official owes to the NFVF in terms of the law, and should, therefore, not be constructed or applied in a manner contrary to such duties and obligations, nor is it designed to replace such duties and obligations.

#### **5. PROHIBITION ON THE ACCEPTANCE AND RECEIPT OF GIFTS**

Officials of the NFVF are required to use their best judgement to avoid situations of real or perceived conflict. NFVF Officials shall not accept, solicit or give gifts, hospitality or any other benefits that may have an influence on their objectivity in carrying out their official duties or that may place them under obligation to the donor.

## **6. PROVISIONS OF THE POLICY**

- 6.1. It is often standard business practice within the public sector to offer gifts and hospitality to current and potential future clients.
- 6.2. The acceptance of such gifts and hospitality may be accepted under certain conditions. Any acceptance of an offer or a bribe or a commission must, however, be viewed as illegal and may result in criminal action.
- 6.3. Officials must take great care not to be placed in a situation where their actions might be construed to be improper, may indicate bias towards an organisation or person, or indicate favouritism towards any organisation or person.
- 6.4. The acceptance of gifts or hospitality by Officials should be the exception and not the rule. If doubt exists about the propriety of the gift or hospitality, then it must be refused.
- 6.5. The basis for remuneration of Officials is their salary and any allowances to which they might be entitled. This must not be supplemented by the acceptance of gifts or hospitality for the work that they perform.
- 6.6. Under no circumstances should an Official of the NFVF attempt to solicit a gift from a contractor, supplier, consultant, Beneficiary or a person to whom services are rendered by and / or for the NFVF.

## **7. DISCOUNTS**

An employee may accept discounts on a personal purchase of the supplier's or Beneficiary's products only if such discounts do not affect the NFVF's purchase price and are generally offered to others having a similar business relationship with the supplier or Beneficiary.



## **8. BUSINESS MEETINGS**

8.1 Entertainment and services offered by a Supplier or Beneficiary may be accepted by an employee when they are associated with a business meeting and the Supplier or Beneficiary provides them to others as a normal part of their business. Examples of such entertainment and services are:

8.1.1 Transportation to and from the Supplier's or Beneficiary's place of business;

8.1.2 Hospitality suites;

8.1.3 Golf outings;

8.1.4 Lodging at the Supplier's or Beneficiary's place of business;

8.1.5 Business lunches and dinners for business visitors to the supplier's or Beneficiary's location; and

8.2 The services should generally be of the type normally used by the NFVF's Officials and allowable under the applicable NFVF's expense account.

## **9. EXCLUSIONS**

9.1 No Official or Members of the family of an Official shall solicit or accept from an actual or prospective Beneficiary or Supplier any compensation, advance loans (save for established financial institutions on the same basis as other clients), gifts, entertainment or other favours for which the employee would not normally be in a position to reciprocate under normal expense account procedures.

- 9.2 Under no circumstances should a gift or hospitality be accepted which would influence the employee's judgment. In particular, Officials must avoid any interest in or benefit from any Supplier that could reasonably cause them to favour that Supplier over others.
- 9.3 It is a violation of the Policy for any employee to solicit or encourage a supplier or Beneficiary to give any item or service to the employee regardless of its value, no matter how small. NFVF's suppliers will retain their confidence in the objectivity and integrity of NFVF only if each employee strictly observes this Policy.

## **10. PROCEDURE FOR THE ACCEPTANCE AND RECEIPT OF GIFTS**

All gifts and any hospitality given or received with a value in excess of R350 (individually or cumulatively) must be disclosed by the NFVF and registered in the appropriate gifts and hospitality register unless specifically excluded in terms of this Policy.

### **10.1 Disclosure by Employees**

An employee must disclose the offer, acceptance or receipt of any gift to their line manager as soon as practicably possible and at least within 30 (thirty) working days from the day of receipt.

### **10.2 Further to the above, an employee must also disclose any offer made by an external person, company, supplier, or contractor which, if accepted by the member of staff, would result in a conflict of interest.**

### **10.3 Each Head of Department will, on a monthly basis, submit their divisional list of gift and hospitality declarations to the office of the Company Secretary, which office is the custodian of the Gifts and Hospitality registry.**

## **11. REGISTRATIONS**

- 11.1 The Company Secretary will register the contents contained in the Gifts and Hospitality items obtained from the lists provided by the line managers on a monthly basis.
- 11.2 In the case where an Official or Members of the family of a person, receives an unsolicited gift prohibited by this Policy, the Executive Authority of the NFVF shall exercise his/her discretion as follows:
- Whether the Official keeps the Gift; or
  - the Gift is for the benefit of the NFVF or any charitable institution that the management of the NFVF identifies or selects; or
  - return it to the person offering the gift; or
  - in the case of a perishable gift, give it to a non-profit charitable organization; or
  - dispose of the Gift.

## **12. ANNUAL REVIEW**

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