



national film and video foundation
SOUTH AFRICA

an agency of the Department of Sports, Arts and Culture

NATIONAL FILM AND VIDEO FOUNDATION

WHISTLEBLOWING POLICY

NOVEMBER 2020

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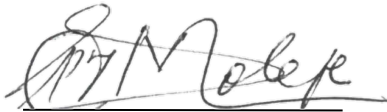
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APPROVAL

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



Signature:

Chairperson of the Council

30 November 2020

Date

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1. DEFINITIONS

The following words and expressions shall have the following meaning:

"Disclosure" means any disclosure of information regarding any conduct of an employee of the NFVF, made by a whistleblower who has reason to believe that the information concerned shows or tends to show one or more of the following:

- a criminal offence has been committed, is being committed or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation towards the NFVF to which that person is subject to;
- that a miscarriage of justice has occurred, is occurring or is likely to occur in a matter involving the NFVF;
- a person is conducting, or is likely to conduct financial or non-financial mismanagement; engaging in or being complicit in fraud, misconduct, unethical conduct, bribery, corruption, mismanagement, misappropriation in a matter involving the NFVF;
- Endangering the health and safety of any person;
- Discriminating, including but not limited to, someone's race, colour, religion, natural origin, sex, sexual orientation or disability, or creating a hostile work environment by making racial, sexist, homophobic or other derogatory comments about someone's race, colour, religion, natural origin, sex, sexual orientation or disability;
- Failure to comply with any NFVF Policy or procedure; and
- that any matter referred to above has been, is being or is likely to be deliberately concealed;

"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, Panel members, Council members; and any third party, or other person who in any manner assists in carrying on or conducting the business of the NFVF, both former and current;

"NFVF" means the National Film and Video Foundation;

"Occupational detriment" means being subjected to any disciplinary action, being dismissed, suspended, demoted, harassed or intimidated; being transferred against his or her will; being refused transfer or promotion; being subjected to a term or condition of employment or retirement which is altered or kept altered to his or her disadvantage, being refused a reference, or being provided with an adverse reference from the employer, being denied appointment to any employment, profession or office, being threatened with any of the actions referred to above; or is otherwise adversely affected in respect of one's employment, including employment opportunities and work security;

"Protected disclosure" means any disclosure made in terms of this Policy.

"Third-Party" means any person who is not in the employ of the NFVF;

"Transgression" means any improper conduct that is deemed improper under law, NFVF policies and procedures, including but not limited to, fraud, misconduct, unethical conduct, bribery, corruption, mismanagement, misappropriation.

"Whistleblower" means any person who has made a disclosure in terms of this Policy;

"Whistleblowing Facility" means the reporting place made available by the NFVF, where employees and third parties can report any transgression or disclosure in an independent, anonymous environment, should they so wish.

2. INTRODUCTION

- 2.1. The National Film and Video Foundation considers the integrity of its internal processes and procedures to be paramount. It encourages any employee or third parties who have a valid reason to believe that the NFVF or its employees are engaging in improper conduct, to disclose this under the terms of this Policy.
- 2.2. Whistleblowing is an essential tool that allows the NFVF to protect its employees, third parties and the organisation as a whole from activities, including but not limited to fraud, misconduct, unethical conduct, bribery, corruption, mismanagement, misappropriation or other wrongdoings.
- 2.3. The NFVF is committed to complying with legislation and regulations, and it recognises the importance of having a procedure and facility in place whereby employees and third parties can safely make disclosures on illegal activities and irregularities.

3. SCOPE OF THE POLICY

- 3.1. This Policy applies to all protected disclosures made after the commencement of this Policy irrespective of whether the alleged transgression took place before the effective date.
- 3.2. This Policy applies to all employees as well as third parties.
- 3.3. The Policy does not apply to grievances, which are dealt with in terms of the Human Resources policy manual. This Policy is intended to cover concerns that fall outside the scope of other NFVF procedures.

4. PROTECTION AND CONFIDENTIALITY

- 4.1. All disclosures by a whistleblower will be protected and treated as confidential.
- 4.2. For the disclosure to enjoy the full protection this Policy offers, the disclosure must:

- 4.2.1. be made in good faith, and the whistleblower must have believed that at the time of the disclosure, the information or allegation is accurate;
 - 4.2.2. not made for the purpose of personal gain or malicious intent; and
 - 4.2.3. the disclosure is made in accordance with the reporting procedure prescribed in this Policy.
- 4.3. The NFVF undertakes to investigate any alleged reprisal or occupational detriment allegedly suffered by the whistleblower as a result of a disclosure in terms of this Policy.

5. WHISTLEBLOWING PROCEDURE

- 5.1. Who may make a protected disclosure in terms of this Policy?
- 5.1.1. Any employee, or
 - 5.1.2. any third party.
- 5.2. If an employee or third party reasonably believes or witnessed that there is, was or will be a transgression on the part of the NFVF or an employee, it is encouraged to make a disclosure.
- 5.2.1. Whistleblowers must submit disclosures to the NFVF's whistleblowing facility, which includes an anonymous tip-offs toll-free hot-line. The details of the anonymous whistleblowing facility are available on the NFVF website at www.nfvf.co.za.
 - 5.2.2. A whistleblower should include all available supporting evidence in their submission. (When in doubt: comprehensive information on aspects such as who, what, when, where, how and why, regarding the alleged improper conduct, should be provided.)
- 5.3. The NFVF will treat all disclosures in confidence.
- 5.4. The NFVF will not disclose the identity of the whistleblower to anyone without the consent of the whistleblower, unless it is legally required to do so.

6. INVESTIGATIONS

- 6.1. After a disclosure is made in terms of the whistleblowing facility, it will be immediately drawn to the attention of the NFVF Council.
- 6.2. Depending on the nature of the disclosure, the Council will determine how best to deal with the disclosure. The matter may be investigated internally, referred to the South African Police Services, Public Protector, Auditor General or referred for an independent investigation by an SMC process procured service provider.
- 6.3. Once an investigation is complete, the investigator (independent service provider) will submit the investigative report directly back to the Council for appropriate action to be taken.

The Council will endeavour to regularly inform the whistleblower about the progress made as well as the outcome of the disclosure.

7. CONTRAVENTIONS OF THE ETHOS OF THE POLICY

- 7.1. It is misconduct, and the organisation will deem in in a dim light; and may take legal action against any person/s who:
 - 7.1.1. makes a disclosure in bad faith (intentionally false),
 - 7.1.2. makes an allegation without having reasonable grounds for believing it to be accurate
 - 7.1.3. makes a disclosure maliciously
 - 7.1.4. subjects an employee to any form of occupational detriment on account of an employee having made a disclosure.
 - 7.1.5. The NFVF will be guided by the HR Policy on the sanction to impose against employees deliberately making unfounded/(known to be false(, spurious and damaging claims.

8. THE RESPONSIBILITY OF THE NFVF

- 8.1. The NFVF commits itself to a culture that promotes openness and ethical conduct from its employees. This commitment will be achieved by educating, training, informing employees about the events which constitute fraud, misconduct, unethical conduct, bribery, corruption, mismanagement, misappropriation, and the effect they have on the NFVF.
- 8.2. The NFVF management commits to developing a strategy to combat fraud and to ensure strict and proper implementation of this Policy.

9. POLICY REVIEW

The NFVF council will review this Policy every (3) three years but may make amendments where and when necessary in the interim. This is to enable the organisation to consider lessons learnt and the changes in market conditions.