



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

NATIONAL FILM AND VIDEO FOUNDATION

FUNDING ADVISORY PANELS TERMS OF REFERENCE




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APPROVAL

The signatories to this document confirm their acceptance of the contents and authorise its adoption.

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1. Introduction

The National Film and Video Foundation ("NFVF") is a statutory body created by the National Film and Video Foundation Act 73 of 1997 ("NFVF Act") to develop and promote the equitable growth of the South African film and video industry.

The organisation, through the leadership of its Council, has adopted a strategy which seeks to transform the industry through the following strategic objectives:

Production and development of content:

- Increase in volume, quality and commercial viability of South African films produced.
- Empower individuals from disadvantaged communities; and
- Support innovative distribution.

Training and Skills Development:

- Growth in number of trained professionals finding work in the industry.
- Increased number of programmes supported.
- Address industry skills gaps.
- Encourage skills transfer to disadvantaged individuals; and
- Recognise learners for their completion of NFVF training programmes.

Marketing and Distribution:

- Increased awareness of the SA film industry.
- Recognition of SA as a film making destination.
- Recognition of SA film and video content.
- Develop and maintain stakeholders' relations.
- Increased awareness of opportunities in the film industry.
- Elicit more funding applications from underserved areas.
- Increased access points to film information; and
- Promote South African filmmakers (technical expertise and film products).

Partnerships:

- Strengthen research.
- Unlock funding.
- Support capacity building.
- Enable local, continental, and international distribution.
- Inclusion of all provinces; and
- Strengthen partnerships internationally.

Administration and Human Resources:

- Maintenance of efficient and effective systems of financial, legislative, and administrative controls; and
- Sound Leadership, Governance & Management.

All panels must consider the strategic objectives and ensure that recommendations are informed by the targets set out in the NFVF's annual performance plan (APP).

These terms of reference for the Advisory Panels provide a framework which will guide the following aspects:

- appointment, role, function, and terms of service of advisory panels.
- the relationship between Council and the respective panels;
- the relationship between management and panels;
- procedures for the meetings of panels;
- matters to be considered by the panels; and
- confidentiality of panel deliberations and documentation submitted by applicants for funding

2. Definitions

In this Policy, the following words and phrases will have the following meaning:

- 2.1 **"Advisory panel"** means a panel established by the Council in terms of section 11 of the NFVF Act.
- 2.2 **"Chairperson"** means, as the context requires in relation to an advisory panel, the member of the Council who acts as the chairperson of the advisory panel at meetings of that panel in terms of section 11(4) of the NFVF Act.
- 2.3 **"Conflict of interest"** means any instances in which a reasonable person may perceive a risk or possibility that member's Private Interests or the interest of a related person may impede that member's or an employee's ability to perform his or her duties and obligations as a member of the Council, a committee, an Advisory Panel, or employee in a fair and unbiased manner.
- 2.4 **"Council"** means the Council referred to in terms section 6(1) of the NFVF Act through which the NFVF acts.
- 2.5 **"Evaluation"** means the process executed by members of the Funding Advisory panel to determine if an application/project/proposal meets the minimum set criteria to qualify for funding.

- 2.6 **"Member"** means, as the context indicates, a member of an advisory panel excluding a Council member.
- 2.7 **"Private Interest"** means financial or non-financial interests of a member outside of his or her employment or involvement at the NFVF.
- 2.8 **"Related Person"** means a spouse, partner, member of the immediate family or extended family, or a friend or a business partner of a member and as defined in the Related Party Policy of the NFVF.

3. **Appointment of Advisory Panels**

- 3.1 Section 11(1) of the NFVF Act states that the Council may establish an advisory panel for every field of the film and video industry as it deems necessary.
- 3.2 In furtherance of sections 11(1) and (2) of the NFVF Act; the Council has appointed advisory panels in terms of section 11(5) of the NFVF Act to consider funding applications for NFVF grant funding.
- 3.3 The role of the Advisory Panel is to advise the Council on the merits of applications for grants.
- 3.4 Council appoints persons who have achieved distinction or special knowledge or experience in the field in question based on nominations obtained from the public, self-nomination according to the following terms and conditions:
- 3.4.1 A member of an advisory panel shall be appointed on conditions for service and remunerated for attending meetings and performing evaluation services according to the applicable rate determined by the NFVF and specified in a written contract between the NFVF and the panel member.
- 3.4.2 An appointment to serve as a member of the panel shall be valid for two (2) years.
- 3.4.3 Subject to Section 11(7) of the NFVF Act, a member may be appointed on the same or different panel after a further two (2) years has elapsed.
- 3.4.4 Council shall approve the names of short-listed candidates to replace and/or to serve as alternate panel members when requested to do so from time to time, to mitigate against unforeseen instances of resignations, unavailability, and recusals.
- 3.4.5 Council shall designate specific members of the Council to chair each of the advisory panels.

Upon their designation to chair the respective advisory panels and depending on the size of the workload in the hands of the advisory panel, such designated Council members shall be automatically authorized and empowered to secure whatever appropriate additional resources the advisory panel may require to efficiently execute the mandate this include additional evaluators.

3.4.6 A panel member must be a natural person.

3.5 The Chairpersons of panels are authorised and empowered to approve experts on an ad hoc basis to assist in reviewing funding applications for special projects, slates, and specialised skills i.e., Animation.

3.5.1 An expert must be a natural person.

4. Categories of Advisory Panels

4.1 The following panels have been established to consider and recommend allocation of funds:

4.1.1 Training Advisory Panel

- Individual bursaries applications for local and international study; and
- Education and training initiatives funding applications.

4.1.2 Fiction Production and Development Panel

- Applications for the development of short, animation, television concepts and narrative features; and
- Applications for production of short, animation, television concepts and narrative features and any other genres currently existing and emerging

4.1.3 Non - Fiction Development and Production Panel

- Development of short and feature documentaries.
- Production of short and feature documentaries; and
- Archive funding and any other nonfiction related applications and genres

4.1.4 Marketing and Distribution Panel

- Applications for Film Festival Hosting and market grants; and
- Applications for Marketing and Distribution of film, TV, and other audio-visual products.

4.1.5 Multidisciplinary Panel

- The panel shall be comprised of all panel chairs of the training, fiction, non-fiction and

marketing and distribution panels as well content managers who serve as industry expects.

- The panel will contribute to deliberations on applications that do not fall strictly within the parameters of existing panels but are worthy of some form of support from the organisation,

4.1.6 **Special Projects Panel**

The panel may evaluate special projects that do not fall within the standard NFVF funding streams when applicable. The NFVF will secured project relevant panel members for special projects. The council authorises and the Chief Operating Office to approved advisory panel.

5. Duties of Advisory Panels Members

- 5.1 Advise Council on the merits of applications for grants received by the respective advisory panels.
- 5.2 Assess all project documents which accompany an application according to the criteria and agreed timelines.
- 5.3 Attend advisory committee meetings and participate in the discussions and/or recommendations for or against funding allocations.
- 5.4 Complete and submit all documentation that forms part of the application assessment according to the category of funding that has been applied for.
- 5.5 Comply with any reasonable instruction given by the NFVF.

6. Meetings of the Panels

- 6.1 Every meeting of an advisory panel must be chaired by a Council member and attended by the relevant advisory panel members and employees of the NFVF responsible for the respective categories.
- 6.2 An advisory panel shall meet at least two (2) times a year before each Council meeting or more than twice (2) if so, required by such advisory panel.
- 6.3 Members of the advisory panel must attend additional meetings called from time to time unless precluded in terms of Section 11(10) of the NFVF Act.
- 6.4 The number of members in an advisory panel shall consist of no more than five (5) members

excluding a non-voting *ex officio* personnel of the NFVF Management, duly authorised by the Chief Executive Officer as well as the Chief Financial Officer. The minimum number of votes required to confirm an approval or an acceptance of any proposal or recommendation that is placed before the panel for decision-making shall be fifty percent (50%) plus one (1) of the members present at a meeting, noting that the *ex officio* member is a non-voting member. .

6.5 Advisory Panel Chairpersons, who are Council members, are non-voting persons of the panel.

6.6 Any advisory panel meeting shall be quorate if it is attended by fifty percent (50%) of its members excluding the *ex officio* persons and the Advisory Panel Chairperson. A project is recommended for approval if it receives a majority vote of the of voting members present at a meeting, being fifty percent (50%) plus one (1), noting that the *ex officio* person is a non-panel member.

7. Process of call for applications

7.1 The organisation will make a call for applications prior to each Council meeting on all its public platforms and various media.

7.2 All qualifying applications and supporting documents received shall be made available to all panel members to inform the assessment of the respective applications through an online system.

7.3 Panels shall evaluate all applications and consider them within a reasonable period, provided that all requirements are met.

7.4 An application shall be recommended for funding if it meets a 70% minimum threshold in line with the evaluation forms of each category of funding.

8. Relationship between Panels

8.1 Each advisory panel shall remain independent of other panels of NFVF Council.

8.2 Cooperation and information sharing shall be is encouraged between panels where necessary to inform and enhance the functioning as well as the quality of the decisions that each panel makes, provided that such information shall be treated with the utmost of confidence.

In the instances of an appeal by applicants, the NFVF Council reserves the right to request further information from the relevant advisory panel or to seek expert advice on any matter that falls within the area of expertise of such advisory panel.

9. Conflict of interest

- 9.1 Section 11(10) of the NFVF Act prohibits any panel member from attending any meeting of the advisory panel or participating in any manner in the proceeding of such a meeting wherein any matter that is before the advisory panel includes the private interests of the panel member or the interests of related persons of the panel member, thus precluding him or her from participating in a fair, unbiased, and proper manner. Such a panel member duly declare their conflict of interest and formally recuse themselves from all deliberations relating to such a matter (i.e., the entire funding category to ensure that the panel member does not have sight of how competitors fare during deliberations) prior to the commencement of the meeting.
- 9.2 Panel members must adhere to the organisation's Conflict of Interest Policy provisions, especially in relation to the requirement to declare any interest in writing to the relevant panel Chairperson before the evaluation process of the advisory panel commences.

10. Relationship with Management

- 10.1 The Management Team of the NFVF is responsible for the administration, monitoring, and evaluation of all funded projects of the organisation.
- 10.2 The Chief Executive Officer and the Management Team of the NFVF shall, from time to time, delegate representatives from each of the relevant departments of the organisation, to attend specifically designated meetings of the advisory panel, as necessary.
- 10.3 The Administration Team shall provide any additional information that will assist the advisory panel to evaluate the applications and proposal brought before it and to make recommendations thereon.
- 10.4 At the first meeting of the advisory panel, the designated delegated representatives shall present a status report to the advisory panel, outlining the annual organisational targets and budget as outlined in the Annual Performance Plan (APP) of the NFVF.

11. Confidentiality

- 10.5 Advisory panels shall hold all project application information confidential, including but not limited to scripts, characters, budgets, any proprietary information on the project(s) that has commercial value and is not available to the public including information that comes to their knowledge during the performance of their obligations by virtue of their membership to an advisory panel.
- 10.6 Advisory panel members shall not make any public statements or commentaries of any kind

that are connected in any way to any of the applications or projects that are presented to the advisory panel for assessment and evaluation. This prohibition is aimed avoiding bringing the organisation into disrepute.

- 10.7 All advisory panel members shall adhere to the confidentiality clause that is contained in their individual service contracts that they concluded with the organisation upon their appointment.

12. Termination of appointment

- 12.1 The Council may, at any time terminate, the membership of a member of an advisory panel if there is sufficient reason for such termination.

- 12.2 Membership of a panel member shall also terminate upon the expiration of the period of appointment to serve on the advisory panel as stipulated in the service contract of each member read with section 11(7) of the NFVF Act.

- 12.3 Chairperson of panels may suspend a member, pending the termination of the contract as shall be determined by the Council.

13. Periodic review

These Terms of Reference shall be reviewed every two (2) years. The Council shall approve any changes before coming into effect.