

NATIONAL ARTS COUNCIL PESP 7 APPEALS PROCESS

1. Introduction and Background

The National Arts Council (NAC) has received communication from the Department of Sport, Arts and Culture (DSAC) requesting the entity to administer the appeals process for the Presidential Employment Stimulus Programme (PESP 7), given its designation as a special funding programme.

The NAC is committed to ensuring that the appeals process is conducted fairly, transparently, consistently, and with accountability. While every appeal will be given due consideration against the approved criteria, the submission of an appeal does not guarantee funding. Funding decisions will be made in accordance with the available budget, the programme guidelines, and the NAC's mandate and strategic priorities.

Applicants are encouraged to carefully review these guidelines and ensure that their appeals comply with the prescribed requirements and process.

2. Appeals Process Guidelines:

- 2.1 Stakeholders who wish to lodge an appeal are requested to adhere to the following process:
 - 2.1.1 The appellant must submit a written notice of their intention to appeal within 30 days, commencing from **07 September 2026 and ending on 07 October 2026** before **16:30**.
 - 2.1.2 The notice of appeal must include the full name and address of the appellant, a clear description of the grievance, the reasons for the grievance, and the appellant's PESP 7 application number.
 - 2.1.3 Appeals must be submitted via email to pespappeals@nac.org.za. Stakeholders who have previously submitted appeals to DSAC are requested to redirect their appeals to the above-mentioned email address.

3. Supplementary or corrected documents

3.1 An appeal will ordinarily be determined based on the information and documents available to the original decision-maker or Advisory Panel. An appellant cannot submit supplementary or corrected documents with the notice of appeal.

3.2 The NAC will reject documents that:

- introduce new issues that were not part of the original application;

- materially change the nature of the application;
- could reasonably have been submitted during the original process.

4. Whether the appeal is confined to the existing record

- 4.1 An appeal is ordinarily a review of the original decision and is not a completely new hearing or a fresh application.
- 4.2 The appeal will generally be confined to:
 - a) the original application and supporting documents;
 - b) information considered by the original decision-maker;
 - c) the reasons for the original decision;
 - d) the applicable NAC policies and criteria; and
 - e) the grounds the appeal.
- 4.3 The NAC will not consider matters outside the existing record.
- 4.4 The NAC may uphold, confirm, change, or overturn the original decision.
- 4.3 The NAC may not base its decision on a new issue that was not raised in the original application.

5 Who considers and decides on appeals lodged

- 5.1 Appeals will be considered and decided by an Appeal Panel established by the NAC.
- 5.2 The Appeal Panel usually consists of at least three members.
- 5.3 The Appeals Panel members collectively possess appropriate expertise in:
 - a) the relevant artistic or cultural fields
 - b) grant-making or assessment processes;
 - c) administrative decision-making; and
 - d) applicable regulatory and governance requirements.
- 5.4 The Board of the NAC appoints the Appeal Panel.
- 5.5 No person may sit on an appeal who:
 - a) made or recommended the original decision;
 - b) participated materially in assessing the original application;
 - c) advised the original decision-maker on the matter;
 - d) has a personal, professional, financial, or other conflict of interest.

- 5.6 The Appeal Panel will make the recommended appeal decision, subject to any reconsideration by the Panel of Chairpersons Committee (POCC) and Council.

6 Independence of the Appeals Decision

- 6.1 Panel members will act impartially, independently, and in accordance with the law, the NAC's governing instruments, and these guidelines.
- 6.2 Before considering an appeal, each Panel member will disclose any actual, potential, or perceived conflict of interest.
- 6.3 Panel members will recuse themselves where a reasonable and informed person could question their impartiality.
- 6.4. The Chairperson of the Panel will appoint a replacement member where recusal would affect the Panel's quorum or independence.
- 6.5 The Appeals Panel will not receive directions on the merits of a particular appeal from:
- a) the original decision-maker;
 - b) staff responsible for the original assessment;
 - c) applicants or interested third parties outside the authorised process; or
 - d) any government official, NAC member, or other person seeking to influence the outcome.
- 6.5 Administrative staff will provide procedural and secretarial support but will not improperly influence the Panel's findings or decision.
- 6.7 All communications concerning the appeal will be recorded and retained in accordance with the NAC's management records and confidentiality requirements.

7. Period within which an appeal will be determined

- 7.1 The NAC will acknowledge receipt of an appeal within **5 business days**.
- 7.2 The NAC will determine a complete appeal within **60 business days** after the appeal is received on the appeals closing date.
- 7.3 The NAC may extend this period where:
- a) the matter is unusually complex;
 - b) If the determination cannot be made within the stated period, the NAC will notify the appellant in writing, explain the reason for the delay, and provide a revised expected determination date.

8. Written reasons

- 8.1 The NAC will provide the appellants with a written decision and reasons.
- 8.2 The reasons will identify:
- a) the grounds of appeal;
 - b) the material facts and documents considered;
 - c) the applicable NAC policies, criteria, or legal requirements;

- d) the findings reached by the Appeals Panel;
- c) the reasons for accepting or rejecting the principal arguments; and
- d) the outcome of the appeal.

8.3 The Appeal Panel may:

- a) confirm the original decision;
- b) vary the original decision;
- c) set aside the original decision; thereby rendering the decision no longer valid and substituting it with a new decision where appropriate.

8.4 The written decision must also state whether any further internal or external remedy is available and the applicable time limit for pursuing it.

9. Further remedy where an appeal is unsuccessful

9.1 An unsuccessful appellant may request reconsideration only where permitted by NAC policy or applicable law. Reconsideration should generally be limited to circumstances such as:

- a) a material error of law or policy;
- b) a significant factual or administrative error;
- c) a serious procedural irregularity; or
- d) a conflict of interest or other matter affecting the fairness of the appeal.

9.2 A reconsideration request should:

- a) be made in writing;
- b) identify the specific error or exceptional circumstance relied upon;
- c) be submitted within **20 business days** after receipt of the appeal decision, unless an extension is granted for good cause.

9.3 Reconsideration should not be used merely to re-argue the original application or because the appellant disagrees with the artistic, funding, or policy judgment reached by the NAC.

9.4 Where no further internal remedy is available, the appellant may pursue any remedy available under applicable law, which may include:

- a) a complaint to the NAC or its governing authority concerning administrative conduct;
- b) referral to the Public Protector;
- c) Judicial review before a court with jurisdiction.

END