

Senior Manager: Legal Services

Purpose

To formulate the Office of the Tax Ombud's (OTO) Legal Strategy and its associated delivery plans related to multiple practice areas, lead the provision of expert legal guidance and support on the broad spectrum of legislative interpretation and amendment of tax laws, and corporate legal matters, and ensuring that the OTO is compliant with the law by operating within the legal and regulatory framework, ensuring practice integration and operational implementation in order to enhance the effectiveness of the OTO.

Job Details

Minimum Experience:

10 – 12 years' experience in a similar environment, of which 3 - 4 years at a middle management level or operated at middle management level.

Minimum Qualification:

Relevant Honours Degree / Postgraduate Diploma (NQF 8)

Minimum Functional Requirements:

- Strong knowledge of tax legislation, public sector law, or regulatory compliance.
- Experience working in a governmental or public service environment is an advantage.
- Admission as an Attorney or Advocate (or equivalent legal qualification) is essential.

Additional Technical Competencies:

- Grade of Clearance: Secret - (a) sensitive information, the disclosure of which may endanger the security or national interest of the Republic or could jeopardise the international relations of the Republic; (b) commercial information, the disclosure of which may cause serious financial loss to an entity; or (c) personal information, the disclosure of which may endanger the physical security of a person. E.g. VIP/Restricted Taxpayer information.

Alternative Minimum Experience:

12 - 15 years related experience, of which 3 - 4 years at a middle management level or operated at middle management level.

Alternative Qualification:

Relevant Bachelor's Degree / Advanced Diploma (NQF 7)

Leadership Level:

Executive (EX)

Outputs

Process

- Develop tactical strategy and delivery plans in support of functional objectives in partnership with leadership.
- Direct, control, coordinate and optimise budgeted resources to meet specific objectives and deliver agreed results and productivity requirements.
- Ensure the development and implementation of multiple practices in alignment with operational policy and procedural frameworks.
- Identify and recommend opportunities to continuously improve all functions and systems in line with national, regional, and organisational changes.
- Plan for handling work outputs, pull together interdependent activities and specify priorities, standards and procedures to ensure tactical excellence.
- Proactively identify interconnected problems, determine their impact and use to develop best fit alternatives; driving best practice solutions.

- Provide periodic reports on performance against plan and progress on medium-term initiatives and use to realign operating plan and objectives appropriately.
- Recommend changes to optimise processes, systems, policies and procedures, and direct the implementation of change and innovation initiated by the organisation.
- Timeously communicate top-down policy modification, objective achievement progress and critical success factors to impacted stakeholders.
- Use the insights gained through integrated business reports to measure success and realign tactical strategy development objectives appropriately.
- Advising on employee relations, ensuring compliance with Labour Laws, managing employment disputes, and assisting on matters relating to employee contracts, disciplinary issues and workplace issues.
- Develop and maintain a detailed report on tax and corporate legal matters by identifying trends and outcomes in the complaints dealt with by the OTO Discretionary Committee, OTO Appeals Committee, recommendations in which the OTO issued letters of demand to SARS, and proposed changes to tax policy and tax legislation that impact on taxpayer rights and operations of the OTO including updates on ongoing cases, service level agreements, memorandum of understandings, status of compliance, and risk management efforts.
- Issue formal letters of demand to SARS when SARS fails to implement OTO recommendations timeously or if SARS has failed to act on the recommendations appropriately.
- Review and negotiate contracts, service level agreements, memorandum of understandings, and ensuring legal compliance in this regard.
- Engage in tax policy discussions with SARS and National Treasury and propose changes to tax policy and tax legislation that impact on taxpayer rights and operations of the OTO as well as improvement to the tax administration system.
- Lead and manage the OTO Discretionary Committee tasked with deciding whether a taxpayer complaint can be dealt with without the requirement of prior engagement with SARS and ensuring that the decisions taken by the committee are fair and impartial.
- Lead the provision of expert legal guidance and/or opinions on the interpretation and application of South African tax laws and other related legislation, complex tax related complaints and advice, and on tax matters raised in complaints and tax policy proposals affecting the rights of taxpayers.
- Offer strategic legal advice on the OTO handling of tax complaints and disputes, ensuring that taxpayer rights are preserved, and the OTO operates within the law.
- Oversee the revision of the Compendium of Taxpayer Rights by ensuring that it is clear, accessible and accurately describes the rights of taxpayers and explanation, and aligns with changes in tax laws, tax regulations and any other laws that affect taxpayer rights.
- Overseeing the legal aspects of internal policies and procedures to ensure that OTO complies with relevant laws, including advising on risk management and mitigation.
- Representing OTO in disputes related to complex tax complaints ensuring fair and impartial resolution of complaints between taxpayers and SARS.
- Provide expert advice on the OTO Appeals Committee and ensure that OTO decisions and actions taken in this committee comply with relevant tax laws.

Client

- Build strong relationships and develop service level agreements that promote OTO with internal and external stakeholders.
- Develop and ensure implementation of practices which build service delivery excellence and encourages others to provide exceptional client service.
- Manage an integrated service excellence culture, which builds rewarding relationships and provides opportunities for feedback and exceptional service.
- Collaborate with Recognised Controlling Bodies, stakeholders, tax practitioners in addressing tax compliance and legal challenges faced by taxpayers and tax practitioners, advocating for fair taxpayer treatment, promotion of taxpayer rights and ethical tax advisory.

Finance

- Draw up a budget aligned to business unit delivery plans, monitor planned vs. actual, minimise expenditure and report on cost efficiency.
- Implement and monitor financial control, management of costs and corporate governance in area of accountability.

Governance

- Implement governance, risk and compliance policy in own practice areas to identify and manage governance and risk exposure liability.
- Manage and or advise on the translation and application of policy in a specific functional area.
- Ensuring adherence to the terms and conditions of corporate contracts, service level agreements, memorandum of understanding, addressing any legal or operational issues that arise.
- Ensuring that the OTO operates within the legal framework set by regulatory bodies, including maintaining internal policies, ensuring compliance with public administrative law and advising on corporate governance.

People

- Create a positive work climate and culture to energise employees and give meaning to work, minimise work disruption and maximise employee productivity.
- Develop and implement appropriate people capacity plans in line with delivery and efficiency targets, on budget and in partnership with specialised areas.
- Plan and develop enhanced organisational efficiency by identifying and addressing development requirements and providing tools for people resources.
- Translate performance expectations into specific metrics and goals to identify and provide effective services, solve problems and achieve objectives.

Behavioural Competencies

- Accountability
- Fairness and transparency
- Honesty and integrity
- Respect
- Trust

Leadership Competencies

- Concern for impact of own behaviour on others
- Nurtures future talent
- Develops teams and nurtures interdependency
- Inspires others to positive action
- Stewardship and service orientation
- Strong results orientation
- Values and manages diversity
- Ability to translate strategy into execution

Technical Competencies

- Procurement contract selection and legal
 - Business acumen
 - Change management
 - Corporate legal services management
 - Decisiveness
 - Effective business communication
 - Functional policies and procedures
 - Legal advisory and interpretation
 - Legal compliance
 - Legislative and regulatory compliance
 - Managerial budgeting
 - Planning and organising
 - Planning, management and measurement
 - Problem analysis and judgement
 - Risk management
 - Litigation
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