Te Tāhuhu o
te Mātauranga
Ministry of Education

Systems review of SESTA service delivery – Terms of Reference

Purpose

The purpose of this review is to assess the safety and effectiveness of current specialised school transport assistance (SESTA) service delivery, with a focus on ensuring clarity of roles and responsibilities, successful introduction of new contracts, safe and consistent service delivery, and effective engagement with stakeholders.

The review will recognise operational pressures across the SESTA system, including workforce and provider capacity constraints, and will consider how these constraints' impact the delivery of safe services for both students and the workforce (including drivers, providers, and school staff).

For the purposes of this review, safety includes physical safety, operational safety, and wellbeing outcomes for all participants in the system. The review will recognise the obligations of employers under the Health and Safety at Work Act 2015 to provide a safe workplace, and will consider the safety and perspectives of all workers involved in SESTA service delivery, including drivers, aides, school staff, and provider personnel.

This review will:

- provide an opportunity to identify improvements to processes and service delivery, and strengthen confidence and role clarity across the sector.
- be informed by a disability rights and children's rights perspective, recognising that safety in SESTA is not only an operational requirement, but a core human rights obligation.
- be guided by the United Nations Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, ensuring that dignity, inclusion, participation and protection from harm are central considerations in assessing service delivery.
- follow a robust and transparent process that enhances public confidence in the SESTA service and the Ministry of Education, including by producing findings suitable for publication (subject to lawful redactions).

In doing so, the review will support the Ministry's due diligence obligations in relation to health and safety, enhance public confidence in the SESTA service, and identify system-level improvements to reduce the risk of harm to children using SESTA services. The review will be conducted in a manner that is independent, transparent, proportionate, and focused on system-level learning.

Context

The review takes place in a context of specific operational concerns and a wider ecosystem of rights, regulations, guidance, contractual obligations and community expectations. While it is beyond the scope of this operational review to propose changes to the regulatory, contractual or policy framework within which services are delivered, it will be important for reviewers to be cognisant of relevant contextual elements and documents including:

- Health and Safety at Work Act 2015
- Education and Training Act 2020
- Land Transport Act 1998
- Land Transport Road User Rule 2004
- Land Transport Operator Licensing Rule 2017
- Low Volume Vehicle Standard Disability Transportations Systems 2016
- Human Rights Act 1993
- Code of Health and Disability Services Consumers' Rights 1996
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- United Nations Convention on the Rights of the Child (UNCROC).

Recommendations will focus on improvements within existing policy and contractual settings but may identify where those settings create risks or constraints for safe and effective service delivery.

Objectives

The review will:

- apply a rights-based lens to assess whether current service design and delivery uphold the safety, dignity, participation, and best interests of disabled children.
- confirm or update roles and responsibilities as currently documented.
- assess contract transition arrangements for effectiveness, disruption minimisation and safety, including lessons learned from the current transition.
- consider opportunities to improve communication and engagement at all phases of the contract lifecycle.
- identify and provide remedial recommendations to system-level factors negatively impacting service performance.
- identify opportunities for immediate and longer-term improvement of safety, reliability and service quality.
- assess the effectiveness of current incident management processes in preventing harm, responding to incidents, and ensuring accountability and continuous improvement and provide recommendations on how these can be improved.

The review will provide practical recommendations to strengthen the system, while ensuring that findings reflect the operational context, existing contractual arrangements and constraints, and intent underpinning current service settings, as outlined in the Terms of Reference. In addition, it will identify opportunities to improve communication and engagement before, during, and after implementation of new contracts.

Governance

Steering Group and Working Group

This is a hybrid review, commissioned by the Ministry but led by an external Steering Group with an independent Chair and external subject-matter experts, supported by an internal Ministry working group.

The Steering Group is responsible for governance and overall direction of the review, including endorsing scope, overseeing methodology, and approving the final report. It provides independent advice and guidance on the review, including input on scope, methodology, and findings. The Steering Group does not hold decision-making authority for operational matters or implementation.

In carrying out its role, the Steering Group operates within the context of the Health and Safety at Work Act 2015. The Steering Group does not act as a duty holder (PCBU) and does not assume responsibility for operational health and safety management or decision-making. Its role is limited to providing independent advice and system-level oversight, rather than acting as a responsible owner of service delivery.

Steering Group members participate in their individual capacity, consistent with their appointment letters. Where a member chooses to represent the views of their organisation, this must be explicitly stated and appropriately referenced during meetings.

The internal working group, led by James Meffan (General Manager, School Transport) will report to the Steering Group, provide analytical, logistical and secretariat support (including assisting with preparing the final report), and provide advice in light of its expertise in the SESTA system.

Membership of the Steering Group will include:

- an independent chair, who is recognised and credible;
- at least one member with specialist health and safety and regulatory expertise;
- members with expertise in disability and special education contexts;
- members with experience in transport operations and policy; and
- members with cultural competence, including lived experience, or experience with disabled communities and whānau.

The following have been identified for membership on the Steering Group:

- Brian Coffey (Chair)
- Adam Lawrence
- Delaney Myers
- Grant Cleland
- Jessica Schreiber
- Maureen Poulter
- Sarah Roil

Scope

The review will examine not only whether services are being delivered as intended, but whether the system itself is designed and operating in a way that is safe, equitable and appropriate for children with complex needs, taking a rights-based perspective.

For the purposes of scope, health and safety is defined to include physical safety, wellbeing, and safe operational practices across the SESTA system.

This is an operational review which aims to assess current operations for safety, appropriateness and effectiveness. Scope is restricted to considering immediate opportunities for improvement within current policy settings.

The review will prioritise practical and immediate improvements that can be implemented within existing system settings, particularly where there are identifiable safety and service delivery risks.

In Scope

1. Roles and Responsibilities

The review will consider the appropriateness of current Roles and Responsibilities documentation and assess the clarity, completeness, and consistency of accountabilities across the system. It will also examine the alignment between documented responsibilities and operational practice.

2. Contract Transition and Implementation

The review will examine the effectiveness of transition processes, including the introduction of new contract holders and the adequacy of transition planning and delivery. It will consider the expectations placed on contractors, drivers, caregivers, and schools, as well as the effectiveness of driver onboarding, training, and route familiarisation. The review will also assess vehicle availability and the extent to which vehicles meet required specifications. The review will recognise contract transition as a period of heightened risk and will assess how transition planning and implementation mitigate risks to safety, service continuity, and reliability.

3. Stakeholder Engagement

The review will assess communication practices before, during, and after implementation. It will consider the timing and delivery of engagement activities, including “meet and greets”, while recognising contractual and operational constraints. The effectiveness of engagement with schools, caregivers, and providers will be assessed, alongside the suitability of current engagement approaches, including the reliance on a single “meet and greet” interaction. The review will also identify opportunities to strengthen communication and ongoing relationships with stakeholders.

4. Operational and System Performance

The review will consider broader operational and system factors affecting service delivery. This includes application processing timeframes and their impacts, as well as broader SESTA system settings such as over costs and demand pressures. It will examine data quality issues, including the accuracy of student data, and the downstream impacts these have on implementation timelines and provider readiness. The review will also consider Ministry and provider capacity constraints and how these influence delivery outcomes.

5. Incident management

The review will assess whether current incident management requirements, processes and practices are fit for purpose in ensuring the safety and rights of children. This will include:

- Identification and reporting of incidents
- Timeliness and effectiveness of escalation and response processes
- Roles and responsibilities across schools, transport providers and caregivers in incident response
- Provider remediation processes and follow up actions
- Communication with all parties following incidents.

The review will consider:

- the adequacy of existing system controls and processes (for example, Safe Travel Plans, driver training and supervision, incident reporting, and vehicle specifications) in preventing and responding to incidents such as absconding, medical emergencies, and restraint/seatbelt issues; and
- how the Ministry and transport providers identify and respond to patterns of incidents across SESTA, including near-misses and repeated incident types.

The review will also consider whether incident management practices:

- Support proactive identification and appropriately sized response to the mitigation of risk
- Enable system-level learning and continuous improvement
- Provide clear accountability across the system

- Reflect the seriousness of incidents involving vulnerable children.

In assessing incident management, the review will consider the design and operation of system-level controls and processes intended to prevent and respond to serious incidents, including Safe Travel Plans, driver and aide training and supervision, incident reporting and escalation, and vehicle specifications, and how these are applied in practice across different providers and regions.

Out of Scope

This review is a system-level review of SESTA service delivery, focused on operational policy and settings that directly impact service delivery and can support immediate improvements. The review will consider operational policy settings as they relate to service delivery, including how policy is interpreted and applied in practice.

Broader policy design and reform, including changes to eligibility criteria and legislative frameworks, are out of scope, except where these create or contribute to operational risks or constraints. The review may comment on policy impacts where necessary to explain systemic risks, but will not make detailed prescriptive policy recommendations.

This review was initialised prior to the recent fatal SESTA incident occurring and is separate to the investigations being conducted by Police and WorkSafe in relation to the death of a SESTA student.

The review will not:

- determine the causes of that incident;
- make findings about fault, liability, or responsibility of any individual or organisation; or
- determine whether any legal duties, including under the Health and Safety at Work Act 2015, have been breached.

The review will, however, consider system-level controls and processes that are relevant to preventing and responding to incidents of the kinds that have occurred in the SESTA service.

The Steering Group and internal working group will conduct the review in a manner that does not interfere with ongoing Police, WorkSafe or coronial investigations or any related prosecutions. Those undertaking the review should avoid questioning staff or contractors in a way that could duplicate or pre-empt regulatory interviews or create practical pressure on individuals to give potentially incriminating accounts, beyond what is necessary for a systems review.

Key Considerations

The review will adopt a rights-based approach, centring the lived experience of mokopuna whaikaha and their whānau across the service journey. It will examine how responsibilities operate across system boundaries and identify where structural features may create or exacerbate risk.

The review will reflect the policy, contractual, and operational settings and take into account the practical constraints under which services are delivered, including data limitations, contractual obligations, cost implications, and workforce onboarding constraints. This includes the intent to ensure safe, reliable, and equitable access to education for eligible students, with appropriate support for their needs.

It will recognise that some issues identified may reflect broader system design challenges rather than being solely attributable to transition activities. The review will also acknowledge actions already taken to address issues, including targeted operational interventions and on-the-ground support.

In order to keep a clear distinction between this review and the Police and WorkSafe investigations, the Ministry will inform Police and WorkSafe of the review and its Terms of Reference, emphasising its systems-improvement focus and inviting them to raise any concerns about potential overlap or timing. Where appropriate, the timing and scope of particular interviews or lines of inquiry will be adjusted to avoid creating difficulties for those investigations.
The review will recognise real-world operational constraints, including workforce availability, provider capacity, and implementation pressures, when forming findings and recommendations.

Approach

Participation in interviews and engagement for the purposes of this review will be voluntary. The review will be framed as a systems-improvement exercise and will avoid questions directed at individual blame or disciplinary outcomes.

The review will engage with key stakeholders, including SEPAnz representatives, Transport Service Providers, specialist schools, caregivers, and relevant internal teams. The approach will include targeted stakeholder engagement, surveys to capture wider system experience, and workshops to test issues and potential solutions. It will incorporate insights from recent engagement and operational responses, analyse relevant documentation, processes, and delivery outcomes, and validate findings against practical delivery experience and contextual factors.

An external organisation with recognised expertise in health and safety risk assessment will be engaged to undertake the risk assessment component of the review. This will ensure that key risks are identified independently of the Ministry and will support public and stakeholder confidence in the robustness of the review's findings.

Deliverables

Stage 1 of the review will produce a report that presents key findings based on the information available to the Steering Group, provides contextual analysis, identifies risks and issues, and sets out clear, prioritised and actionable recommendations focused on current roles and responsibilities, contract transition and implementation, stakeholder engagement, and operational/system performance, including incident management. The report will include a statement outlining the basis, assumptions, and limitations of the information relied upon.

The report will be prepared in a form suitable for publication, subject to lawful redactions.

The Ministry will publish the report and formally respond to it, outlining intended actions.

Following the release of findings from Police, WorkSafe, or any coronial inquiry, the Ministry may commission Stage 2 within an appropriate timeframe. This may take the form of either a short addendum to the Stage 1 report or a targeted follow-on review, to ensure that SESTA system improvements appropriately reflect lessons arising from those findings.

Timeframe

Stage 1 of the review is expected to be completed over an indicative six-week period, commencing from project initiation on 26 June 2026. This timeframe may be adjusted to reflect the scope of the review, stakeholder availability, and the timing of Steering Group appointments. The Steering Group will meet weekly to support the Working group to draft and finalise the report.