

NSW ADVOCACY TABLE – HEA RESPONSE TO AUDITOR’S RECOMMENDATIONS
18 September 2026

Audit Recommendation	Department Response letter dated 19/9/25 (as per Appendix 1 in the Auditor’s report)	HEA Concerns
2a) “Consider recommendations for improvement from previous reviews” (Audit p. 8)	“...where relevant and achievable, incorporate past recommendations” (Audit p.63)	<u>Provisional Registration</u> (Audit p. 37) - HEA considers the Department’s response to be disingenuous. In July 2026 they published their <i>summary of stakeholder feedback</i> document which stated “Provisional or temporary registration remains outside the current framework but still under review and consideration”. Their quoted reason of: “Legislative constraint”, overlooked HEA’s submission of an alternative legislative option using certificates of exemption (see Clause 25 of the NSW Education Act). <u>Homes Schooling Consultative Group HSCG</u> (Audit p. 44) - HEA agrees with the AG’s report that the HSCG is not representative. The Department’s HSCG does not share information nor consult with HEA. <u>Undertake Further Research into outcomes of home schooling</u> (Audit p. 55) - Up until September 2026 HEA has not observed any action by the Department on this recommendation.

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2b) "Expedited registration processing times to shorten transition periods" (Audit p. 8)	"Support reducing transition times but will prioritise building a stronger evidence base, assessing demand and resourcing implications and exploring provisional registration options. Any changes will be guided by child safety and legislative requirements." (Audit p. 63)	During August 2026, HEA sent the Department repeated written requests for data to track registration processing times. This has not yet been provided. The only published data available to HEA is "65 days in 2024" (Auditor's report p. 33 and 37). HEA is extremely concerned that there is no evidence of workshops, published data, nor goals set by the Department to reduce application processing times. In February 2026 HEA wrote to the Department requesting that data be benchmarked and continuously improved in line with the Education Act, which requires processing to be 'as soon as practicable'. Section 2.6 of the Audit report identified that 54% of children registered for home schooling had previously attended a NSW public school. Therefore, HEA submitted that, for reasons of child welfare, exemptions from school under CI 25(1) of the Act should be allowed while families wait to be registered.

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2c) “Strengthened departmental oversight and support for students transitioning into and out of home schooling” (Audit p. 8)	“...Replace the current guidelines with a clear policy and procedures, supported by plain English guidance for families.” (Audit p. 63)	The draft policy and procedures published by the department on 27 July 2026 add more requirements and reduce the time for lodging an appeal, resulting in additional burden on families. Progress reports, changes to educational plans, travel plans, uploading identity documents, and “concerns about child’s safety” have all been added to the new procedures. Indicative maximum processing times have been increased to 12 weeks. HEA requested practical support for families, school exemptions, written feedback from the AP visit, and proportionate safety mechanisms based on NSW Child Safe Standards. None of these requests have yet been included.
2d) “Quality assurance frameworks that take account of the unique form of education delivery inherent in home schooling” (Audit p. 8)	“Supported in full”. “The department will co-design a proportionate quality assurance framework with families, pilot and refine it based on feedback, and provide staff training and guidance.” (Audit p. 63)	Co-design means the NSW Department of Education cannot simply create a quality assurance framework and ask for feedback. Instead, this implies the home schooling community is to be an equal partner in defining the problems, drafting the standards, and deciding on final outcomes. Quality education is a priority for HEA, and we are concerned by how slow the Department has been to commence the co-design process. Nothing has been planned until late November 2026.

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3. "Identify the child safety monitoring risks in homeschool regulation and ensure fit-for-purpose mechanisms are in place to address these" (Audit p. 8)	"Supported in full". "The department is committed to strengthening child safety in home schooling regulation. This includes embedding child safety provisions in policy and procedures, strengthening Chapter 16A information sharing with DCJ and other agencies, adopting a risk-based approach to assessments, and delivering targeted training so staff can identify and act on concerns." (Audit p. 63).	HEA attended the Department's workshop on 10 February 2026, which was dedicated to Recommendation 3, and has also reviewed the subsequent draft procedure (published 27 July 2026) which introduces a proposed new provision for: "A shorter registration period may be recommended in the following circumstances: [where] there are current concerns about the child's safety" HEA acknowledges the importance of monitoring and responding to child safety risks. However, it has consistently raised concerns that the Department has reframed the Auditor-General's recommendation away from "identifying child safety monitoring risks" to enforcing its own interpretation of what constitutes "concerns about the child's safety". HEA provided feedback on these concerns during the workshop and subsequently in a detailed written submission dated 24 February 2026. In that submission, HEA outlined concerns regarding: • the Department's methodology, including the use of non-transparent data • the omission of a risk-based framework • the absence of proportionate, fit-for-purpose responses. HEA observed that the Department relied on single-point worst-case data while pursuing an arbitrary goal of keeping children "safe", rather than assessing and managing identifiable risks. HEA also notes

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		that to date, Recommendation No 3, to "identify the child safety monitoring risks" has not been clearly articulated or incorporated into the draft procedures. HEA recommends that any implementation be aligned with the NSW Child Safe Standards rather than the Department's interpretation of the phrase "concerns about the child's safety". HEA further considers that assessment of child safety risks and appropriate family supports should involve collaboration across relevant agencies, including health, medical and allied health services, rather than being the responsibility of a single department. HEA remains concerned about the lack of transparency in the proposed approach and the potential for additional stress and burden on home educating families and further delay to the registration process. HEA also notes the absence at the February workshop of any commitment to strengthening Chapter 16A information-sharing arrangements as part of the Department's proposed response. While a risk-based implementation may be appropriate in principle, HEA is concerned that its practical application may become disproportionate and lead to unnecessary intrusion into private homes and family life.