



**Developmental
Educators
Australia
Incorporated**

**Complaints Process for
Serious Breaches of
Ethical Practice by a
Developmental Educator**

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Relevant Documents

- DEAI Code of Ethics and Practice for Developmental Educators (the Code)
- DEAI Constitution (the Constitution)
- DEAI By-Laws for Ethics and Practice (2015) (the By Laws)

Purpose of DEAI Complaints Process for Serious Breaches of Ethical Practice by a Developmental Educator

The DEAI Code of Ethics and Practice for Developmental Educators informs and guides the ethical practice of Developmental Educators so as to attain and maintain the highest professional standard of practice for the benefit of people with disability and their families/carers. With this in mind, the DEAI is concerned when the ethical practice or professional conduct of a Developmental Educator is in breach of the Code. The DEAI take such matters seriously.

The DEAI Complaints Process for Serious Breaches of the Ethical Practice by a Developmental Educator serves as a mechanism to:

- Protect people with disability and their families/carers from harm and/or malpractice
- Address allegations of Serious Breaches of the Code
- Educate Developmental Educators with respect to the standards set out in the Code.

To this end the DEAI Constitution and the Code serve as the reference for the DEAI Executive Committee when considering a Serious Breach of ethical practice, and the Complaints Process contained within the DEAI By-Laws for Ethics and Practice (2015) for informing the process for making, receiving and responding to complaints.

The Code, under section 9.4 Resolution of Serious Breaches of Ethics, Conduct and/or Practice, states:

- a) When Developmental Educators believe that there may have been a serious ethical, conduct or practice violation by another Developmental Educator, they should attempt to resolve the issue by bringing it to the attention of that individual if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved.
- b) If there is no capacity to informally resolve a serious breach of ethics, conduct or practice, there is an onus on the Developmental Educator to seek out the appropriate complaints organisation and/or submit a written professional complaint to inform the DEAI Executive Committee in writing, in accordance with the DEAI Complaints Process and the By Laws (2015), if permitted by Law.
- c) DEAI members cooperate with the DEAI Executive Committee and any investigations about themselves or other members.
- d) The DEAI Executive Committee reserves the right to release membership status information upon request for the purpose of assisting in the resolution of a potential complaint against a member of the DEAI.

The Constitution, under 'Serious Breaches of Ethical Practice' states:

6.4.1 Any member of the public may submit a written complaint to the DEAI Executive Committee regarding a Serious Breach of the Code by a member of the DEAI.

6.4.2 A complaint may be submitted on the basis of a Serious Breach of the Code by the DEAI member in relation to the Code.

6.4.3 The DEAI Complaints Panel will, in its absolute discretion, decide on the outcome of the Complaints Process, which may include suspension, imposed conditions, or expulsion of the DEAI member about whom the complaint was received.

6.4.4 The By-Laws (2015) detail the processes and procedures in dealing with and responding to complaints received.

The Code and Constitution serve as the references for the complainant as well as the DEAI Executive Committee when considering a Serious Breach of ethical practice.

Who does it cover?

The DEAI Executive Committee can only respond to complaints when:

- the allegations involves a Serious Breach of the Code; and
- the alleged breach occurred while the person complained about was a member of the DEAI; and
- this person has a current membership with the DEAI at the time the complaint is made.

If these conditions are not met the DEAI Executive Committee may give advice on considering other options.

Who can make a complaint?

A Developmental Educator and any member of the community can make a complaint.

How do I know if my concern involves a serious breach of ethical practice?

Careful and respectful consideration will be afforded to all complaints received, however the DEAI Executive Committee can only respond to complaints involving allegations of a Serious Breach of the Code.

Serious Breach is defined in clause 2 of the By Laws (2015) as “a breach of ethical practice that fails to meet the standards set out in the Code of ethics and Practice for Developmental Educators”.

Following are examples of practice which may be considered a Serious Breach of the Code:

- Exposure of or causing harm to the complainant, client, family/carer or another professional
- Violating the professional boundary such as sexualised conduct or harassment of the complainant, a client, family/carer or another professional
- Practicing outside the scope of practice or competence
- Breaching confidentiality
- Exploiting an organisation, client, family/carer or another professional for personal gain
- Violating duty of care to the client, family/carer or another professional
- Using undue influence to the detriment of a client, family/carer or another professional
- Engaging in a serious conflict of interest
- Discrediting the profession of Developmental Education, in a serious manner
- Not abiding by the Code of Conduct for Unregistered Health Professionals.

How do I make a complaint?

A complaint must be made in writing and submitted to the DEAI Executive Committee. Before making a complaint, you should carefully consider if the allegation involves a Serious Breach of the Code by consulting the relevant references listed at the top of this document or contact the DEAI to discuss your complaint. For further guidance on the process involved in lodging a complaint please refer to the Checklist for Complainants.

Who deals with the complaint?

The DEAI Chair or the Chair's delegated representative, in its absolute discretion, in consultation with the DEAI Executive Committee, decides if the complaint is a Serious Breach of the Code and will proceed to the DEAI Complaints Panel.

This panel comprises at least 3 members of the DEAI Executive Committee (excluding Student Representatives), one of whom is the Chair or the Chair's delegate. Please read the By-Laws (2015) for information about how the complaint is dealt with.

What may be the result of a complaint?

A Serious Breach of ethical practice may lead to a Developmental Educator being suspended, have conditions imposed, or be made ineligible for membership with the DEAI as stipulated in the Constitution (clause 6.4.3) and the By-Laws (2015).

For further information, please contact the DEAI on administration@deai.com.au