



**Developmental  
Educators  
Australia Ltd.**

**By Laws:  
Ethics and Practice**

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### 1. Introduction

The DEA is the professional association representing Developmental Educators and holds the primary role in maintaining, monitoring and improving practice standards as well as the professional education of Developmental Educators. Members are bound by the Constitution and By-Laws, and comply with any code of conduct, ethical principles, policies, procedures and clinical standards which are adopted by the Board.

DEA is committed to ensuring that its members adhere to the highest standards of ethical practice and professional conduct for the benefit of people with disabilities and their families/carers. The “Code of Ethics and Practice for Developmental Educators” (the Code) is the main document detailing the required values and ethical responsibilities of Developmental Educators, including:

- Integrity and Professional Responsibility
- Respect for People's Worth, Dignity and Uniqueness
- Concern for Others' Wellbeing and Empowerment
- Community Education.

The ethical standards that the DEA expects of its members are further stipulated in the:

- DEA Constitution, detailing governance and membership, and the
- DEA By-Laws Ethics and Practice (2025) setting out the DEA Complaints Process for Breaches of Ethical Practice.

A breach of ethical practice occurs when a Developmental Educator, who is a current member of the DEA, acts outside the core values and responsibilities set out in the Code.

The Ethics Committee reserves the right to determine whether a complaint meets the requirements of a Breach of the Code and will proceed to investigation.

The DEA Ethics Committee may refer the Complainant to an alternative, more appropriate body if the complaint is not deemed to meet requirements.

These By-Laws (2025) set out the DEA's processes and procedures for the Complaints Process; that is for making, receiving and responding to complaints regarding a Breach of the Code by a Developmental Educator.

## 2. Definition of Terms

The terms which are used in these By-Laws are defined below:

**Breach:** An ethical value, principle or standard in the Code of Ethics and Practice has been violated or not demonstrated by the developmental educator.

**Complaint:** A complaint submitted to the Ethics Committee of a suspected breach of the Code of Ethics and Practice.

**Complainant:** The person who makes a complaint to the Ethics Committee of a suspected breach of the Code of Ethics and Practice.

**Constitution:** The constitution of the DEA detailing governance and membership.

**Days:** Calendar days, including public holidays and weekends.

**DEA:** Developmental Educators Australia Ltd.

**DEA Board of Directors:** The DEA Board of Directors that governs Developmental Educators.

**Developmental Educator:** refers to an individual who is eligible for Practicing or Provisional Membership with the DEA.

**Ethics Committee:** The committee responsible for investigating and determining complaints under the DEA Ethics Committee Procedures and acting as an advisory committee to the DEA Board of Directors on matters pertaining to non-compliance with the Code of Ethics and Practice.

**IP or Investigation Panel:** A panel of three members of the Ethics Committee formed to investigate a complaint against a member.

**Member:** A member of the DEA and includes Practicing, Provisional, Student and Associate members of the DEA.

**Natural Justice:** Observing the rule against bias and the right to a fair hearing.

**Penalties:** Measures that may be imposed on a respondent found in breach of the Code of Ethics and Practice, including suspension or expulsion from the DEA and/or specific directives from the DEA Board of Directors.

**Required undertaking:** Activities or actions that a member found in breach of the Code of Ethics and Practice may be required to perform or undertake, generally focused on educative and preventative activities.

**Respondent:** A member of the DEA against whom a complaint has been made regarding an alleged breach of the Code of Ethics and Practice.

**The Code:** The Code of Ethics and Practice of the DEA.

**The Complaints Process:** The DEA Complaints Process for Potential Breaches of Ethical Practice by a Developmental Educator; the process the DEA uses for making, receiving, and responding to complaints to the DEA Ethics Committee.

### **3. DEA Complaints Process for Breaches of the Code of Ethics and Practice by a Developmental Educator**

#### **3.1 What is the DEA Complaints Process for?**

- a) The purpose of the Complaints Process is to receive and respond to complaints about an allegation of a Breach of practice by a member of the DEA in relation to the Code.
- b) The Complaints Process only deals with complaints about developmental educators who are members of the DEA both at the time the complaint is received and when the alleged breach occurred.
- c) The Complaints Process only deals with complaints involving allegations of a Breach as set out in the Code. If the complaint is not deemed a Breach as set out in the Code, the DEA may give advice to the Complainant on considering other options.
- d) The Complaints Process cannot be utilized in relation to DEA Board members, employees of the DEA, or DEA members, if the complaint involves a practice engaged in while performing an official DEA role. These matters should be addressed by way of the relevant code of conduct for that role.

#### **3.2 Who can make a complaint?**

- a) Any individual may make a complaint to the DEA about the conduct of a Developmental Educator who is a member of the DEA.

#### **3.3 The responsibilities of the Complainant?**

- a) The Complainant is required to cooperate with the Ethics Committee and comply with all procedural requirements set out in the By-Laws (2025).
- b) Complainants are advised that without providing the required information, the Ethics Committee may not be able to investigate the complaint.

### **3.4 The rights and responsibilities of the Respondent?**

- a) The Respondent is required to cooperate with the Ethics Committee. The Code requires that DEA members cooperate with the DEA and any investigations about themselves or other members.
- b) The Respondent has the right to provide the Ethics Committee with any relevant information regarding the complaint.
- c) The Respondent must comply with the Complaints Process as set out in the By-Laws (2025) contained herein and any decision made by the Ethics Committee.
- d) The Respondent has the right of appeal [as outlined below at clause 3.10(e)].

### **3.5 Confidentiality and Privacy**

- a) The Ethics Committee is committed to ensuring that both the Complainant's and the Respondent's (and any other party's) rights to privacy are protected at all times.
- b) Confidential information will not be disclosed except as required for official duties or by law. All Ethics Committee members must sign the Confidentiality Deed and Privacy Act Compliance Agreement and act within accordance with the Privacy Act 1988.
- c) At the discretion of the Ethics Committee relevant information may be made available to the Respondent, and/or potential witnesses who may assist in the investigation of the complaint, and the Ethics Committee members.
- d) An Investigation Panel of the Ethics Committee may, through the Chair of the Ethics Committee, disclose whatever information it considers necessary to the DEA General Manager and Board of Directors at any time during or after an investigation.
- e) The Complainant, Respondent, potential witnesses, and the Ethics Committee members involved in the Complaints Process:
  - i. agree to at all times keep personal information of all parties and the substance of the complaint confidential.
  - ii. agree to sign a confidentiality agreement.

### **3.7 Conflict of Interest**

- a) The members of the Ethics Committee who are involved in the administration or implementation of the Complaint Process have an obligation to:
  - i. advise of any relationship or association that they have / had with (any of) the parties involved.
  - ii. advise if they have any personal knowledge of the complaint.
  - iii. declare any interest they may have in any particular complaint being considered under the Complaints Process.

### **3.8 Record Keeping**

- a) The Ethics Committee is required to maintain legible and accurate file notes of any discussions regarding the complaint.
- b) All documents, files and records to do with the Complaints Process will be stored securely and retained for seven years.

### **3.9 Correspondence**

- a) Any correspondence or information in relation to the Complaints Process will be sent in writing to both the Complainant and the Respondent by email or registered mail.

### **3.10 Making a Complaint Against a Developmental Educator**

- a) Making a complaint:
  - i. Any person who wishes to make a complaint about an alleged Breach by a member of the DEA can make a complaint to the Ethics Committee.
  - ii. It is the DEA's preference that complaints under the Complaints Process should be made in writing and submitted to the General Manager. However, under certain circumstances, a complaint may be accepted verbally to meet accessibility requirements.
  - iii. The General Manager forwards the complaint to the Chair of the Ethics Committee.
  - iv. A complaint may be withdrawn at any time by giving written notice to the General Manager. The Ethics Committee will consider the request to withdraw the complaint and will determine whether or not the complaint should proceed through the Complaints Process.
- b) The Ethics Committee receives and examines the complaint:
  - i. The Ethics Committee receives and examines complaints made to the DEA in relation to a Breach of the Code by a DEA member.
  - ii. The Ethics Committee then meets to determine whether or not the complaint submitted (a) constitutes a Breach of the Code and (b) not frivolous or vexatious and will proceed to investigation.
  - iii. If the subject matter of the complaint is being investigated by the police or is the subject of a court proceeding, the risks will be assessed to determine if the Complaints Process will be deferred until the completion of that other

investigation or proceeding. Depending on the outcome of such processes or proceedings the Ethics Committee will make a determination regarding consequences. In this case, the reasons must be clearly documented and reported to the Board to ensure all risks are identified, mitigated and managed.

- iv. If the complaint is being dealt with by another agency the Ethics Committee may decide to wait until this proceeding has been completed. In this case, the reasons must be clearly documented and reported to the Board to ensure all risks are identified, mitigated and managed.

c) The DEA responds to the complaint:

- i. The General Manager informs the Complainant verbally and in writing of the receipt of the Complaint within seven days. The Complainant is advised of the complaints process including the application of the principles of natural justice.
- ii. The complaint is referred to the Ethics Committee by email within 10 working days (or faster if warranted).
- iii. If the Ethics Committee decides the complaint will not proceed to investigation, the Complainant has the right to appeal, except where the complaint was deemed vexatious or frivolous.
- iv. The Ethics Committee will determine an appropriate timeframe for the Respondent to respond in each case (usually within 20 working days, however this will be dependent on the situation).
- v. The Respondent will be provided with the allegation and specific information required to allow for an investigation.
- vi. If the Respondent does not respond within the time frame they will be offered one further opportunity, and then the investigation panel will make a determination based on the available information.

d) Dealing with the complaint

- i. If a complaint meets the criteria for investigation, an Investigation Panel is formed. The panel must consist of a minimum of three Ethics Committee members consisting of: a senior member (Chair of Investigation Panel); a DEA member; and a community representative.
- ii. The purpose of the Investigation Panel is to:
  - assess the facts and circumstances that are relevant to the matter.
  - allow the Complainant and the Respondent to present the relevant specified information on the matter.
  - seek further information from relevant others and to assess that information.
  - reach a determination in relation to the complaint.
- iii. Both parties will have the opportunity to attend a meeting scheduled by the Investigation Panel. Whether the meeting will be attended by both parties or each separately will be determined by the investigation panel based on the individual circumstances of the complaint.
- iv. Both parties are not able to be represented by a third party, but they are able to bring a support person.
- v. Submissions to the Investigation Panel, in its absolute discretion, may determine that other forms of submission will be accepted.
- vi. The Investigation Panel maintains the confidentiality of all parties and observes the principles of Natural Justice.

- vii. All proceedings of the Complaints Process will be documented and records kept.
- viii. The Investigation Panel will complete the Investigation Report. The panel may find no breach, or a breach warranting penalties and/or required undertakings. Penalties and undertakings aim to educate and prevent recurrence of the conduct.
- ix. The Chair of the Ethics Committee will consider a member's complaint history when determining penalties for current complaints. The DEA Board of Directors may direct another investigation panel to consider the member's history and determine appropriate sanctions.
- x. Once the Investigation Panel has determined their recommendation, a nominated member prepares a deidentified summary within 28 days of completing the investigation, which must first be reviewed by the Chair of the Ethics Committee. Once approved, this is shared with the DEA Board of Directors to be tabled at the next scheduled meeting (or earlier if recommended by the Ethics Committee). The Chair of the Ethics Committee will present the relevant information regarding the complaint and its outcome to the Board of Directors, maintaining anonymity.
- xi. If the DEA Board of Directors is unanimously satisfied that the complaint was investigated in accordance with the procedures and that the outcome does not appear to be unfair or unreasonable, it will ratify the decision and outcome of the investigation panel.
- xii. Where a breach to DEA's Code of Ethics and Practice is upheld by the DEA Board of Directors, the name of the Respondent will be identified to the Board.
- xiii. Both the Complainant and the Respondent will be informed verbally and in writing of the outcome of the investigation within 28 days of ratification by the Board of Directors.
- xiv. In urgent situations, a preliminary hearing may be conducted. The Chair of the Ethics Committee can direct an Investigation Panel to conduct this hearing if there is an imminent and serious risk to health or safety, or if other significant factors are involved.

e) Review of Decision:

- i. The Respondent or Complainant can seek a review of the decision within 28 days of receiving the decision. The grounds on which they seek a review must be stated.
- ii. The General Manager will write to the Complainant or Respondent, acknowledging receipt of their request for a review, and outlining the process of review. The General Manager will write to the other party informing them of the review.
- iii. If the Chair of the Ethics Committee considers it is appropriate and relevant to the matter, part or all of the information submitted by a person requesting the review may be provided to the other party for a response. Generally, a party will be given 28 days to reply in writing to any such additional information which may be provided to them.
- iv. A review panel, consisting of two Ethics Committee members not involved in the original investigation will conduct the review.
- v. The review panel must consider the review submission within 28 days of receiving it.

- vi. The decision becomes final once any review procedures have been completed. There is no further right of review.
- vii. If there is no review, the DEA Board of Directors' decision becomes final 29 days after the Respondent receives the notice of decision. In this instance, membership fees are not refunded.

f) Outcome:

- i. The General Manager will inform the Complainant and the Respondent verbally and in writing of the final determination from the Complaints Process and the reasons for the determination, within 7 days after ratification by the Board of Directors.
- ii. If penalties such as suspension or expulsion are imposed, the DEA may provide information relating to membership to other relevant bodies including National Disability Insurance Agency (NDIA) and other government and regulatory bodies.
- iii. Failure to comply with directives can result in further penalties, including potential suspension of membership.
- iv. Members suspended from DEA may apply for reinstatement after fulfilling all required undertakings and actions (refer to Membership Procedure). The DEA Board of Directors will review and decide on reinstatement applications.