

Garda HR director refused Supreme Court appeal to halt dismissal

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An executive director of HR at An Garda Síochána has failed to secure a further chance at the Supreme Court to prevent his dismissal from the force.

John Barrett, who was appointed as the first civilian HR director of An Garda Síochána in 2014, was suspended in 2018. He sought to halt disciplinary proceedings, involving a recommendation to dismiss him, in December 2020.

His case was rejected at the High Court and further rejected by the Court of Appeal, last year (although Ms Justice Ní Raifeartaigh did note some errors of the trial judge in relation to Protected Disclosures law, see [Legal Highlight in IRN 18/2023](#)).

On 25 January, the Supreme Court determined that Mr Barrett has not made out a case that attracts issues of “general importance”, or that the interests of justice require that leave be granted for him to have his case heard on further appeal.

An investigation report by a senior counsel into activities of Mr Barrett concluded, in November 2020, that he was guilty of serious misconduct. A subsequent recommendation was made to the Minister that Mr Barrett be dismissed. Mr Barrett maintains that disciplinary proceedings were initiated in response to disclosures he made in 2018.

Both the High Court and Court of Appeal rejected Mr Barrett’s injunction request, citing the “significant delay” on his part in bringing the application.

Mr Barrett pinned his attempt to bring his case to the Supreme Court on the basis that his case “raises important questions relating to the application of the principles governing the operation of interlocutory injunctions and the burden of proof regarding the connection between protected disclosures and the penalisation of the person making the protected disclosure”

The Minister for Justice and the Commissioner of An Garda Síochána said that no ground of public importance arises and that the Court of Appeal applied standard principles in refusing interlocutory relief.

They point to the fact that the application was refused in itself on the grounds of delay. The respondents acknowledged that there was “little authority” on aspects of the 2014 Protected

Disclosures Act, but the decision under appeal “essentially turned-on fact specific findings bearing on the issue of a link between the documents relied on as protected disclosures and the detriment claimed to have been suffered” by Mr Barrett.

The Supreme Court noted that while Barrett’s appeal “does raise issues concerning the interpretation of the 2014 Act, it does so in a highly fact-specific context which, in any event, was not found to be decisive by either the High Court or the Court of Appeal.”

The Court was not persuaded that his appeal “presents issues of general importance or that the interests of justice require that leave be granted”, concluding that the constitutional criteria were not satisfied. (*John Barrett v Minister for Justice and The Commissioner of An Garda Síochána*, [2024] IESCDET 9)