



# Government Legal Department

**FAO: HM Assistant Coroner Combes**  
South Yorkshire (West) Coroner's Court  
Watery Street  
Sheffield  
S3 7ES

Litigation Group  
102 Petty France  
Westminster  
London  
SW1H 9GL

Your ref: Grayson M  
Our ref: Z2112645/LKH/JD1

11 July 2022

Dear Ms Combes

## Inquest touching the death of Mrs Marjorie Grayson

Thank you for your Regulation 28 Report, issued following the Inquest into the death of Mrs Marjorie Grayson. This letter is provided on behalf of our client, the Probation Service.

The Probation Service recognises the concerns you have raised and understands the potential impact this may have in other similar circumstances.

It is a matter for the sentencing Judge, as a member of the independent judiciary, to determine whether a Section 41 Restriction Order should be imposed with a Section 37 Hospital Order. In Mrs Grayson's case, the sentencing Judge, in the exercise of his discretion, considered independent expert psychiatric evidence to determine if a Section 41 Restriction Order was appropriate, in order to pass sentence.

The reports provided to the Court by two registered independent expert psychiatrists were on the instruction of Mrs Grayson's defence solicitors for the purposes of the sentencing hearing. The reports are independent and not on the instruction of the Ministry of Justice. Therefore, concerns relating to the clinical judgement and assessment of Mrs Grayson, in respect of the assessment of risk and interpretation of 'members of the public' is not something the Ministry of Justice can comment on.

It would also not be appropriate for the Probation Service to comment on any challenge to independent judicial decision making. The Probation Service do not know what was relied upon by the Judge in his discretion when passing sentence and what part/s of the independent expert evidence were accepted, or which expert gave oral evidence. To assist you in addressing your concerns we have instructions to obtain the Court transcript for Mrs Grayson's sentencing hearing, including the sentencing remarks. We understand that this will provide more information as to the rationale of the Judge's decision making.

The Probation Service cannot comment on the decision making to discharge Mrs Grayson from St Andrews Hospital and subsequent discharge to the community. These decisions were made following clinical treatment and assessment, and this was a considerable period of time after the assessment of the Probation Service for the purposes of the pre-sentence report and the two independent expert psychiatrists, instructed by Mrs Grayson's criminal defence solicitors.

[Redacted] - Head of Division

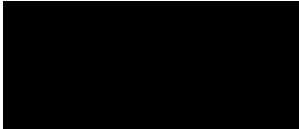
[Redacted] - Deputy Director, Team Leader MOJ & Inquests 1



The Probation Service has confirmed that your concerns have been shared with Ministry of Justice colleagues in the Mental Health Caseworker team. Subject to the response of the Mental Health Caseworker team, the Probation Service will endeavour to further share your concerns with other MOJ departments as appropriate.

Pending instructions, the Probation Service will review the Court transcript of Mrs Grayson's sentencing hearing and report back to you as appropriate in order to assist you as much as possible with addressing your concerns.

Yours sincerely



**For the Treasury Solicitor**

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**F**  
**E** 