



## **TRIBIWNLYS Y GYMRAEG**

**Achos Rhif: TyG/2021/02**

**HANNAH JAMES**  
(Ceisydd)

v.

**COMISIYNYDD Y GYMRAEG**  
(Atebydd)

### PENDERFYNIAD

Ar ôl ystyried:

- a) Hysbysiad Cais y Ceisydd, mewn ebost dyddiedig 6 Hydref 2021;
- b) Ateb i gŵyn gwreiddiol y Ceisydd oddi wrth y Comisiynydd, dyddiedig 29 Medi 2021;
- c) Ebyst o'r Tribiwnlys i'r Ceisydd dyddiedig 7 a 25 Hydref, yn gofyn am fwy o fanylion am ei chais yn y Ffurflen Gais;

Mae'r Tribiwnlys o'r farn:

1. Nad oes disgwyliad rhesymol y byddai cais y Ceisydd am adolygiad o benderfyniad y Comisiynydd yn llwyddo;
2. Nad oes unrhyw reswm cryf arall pam y dylai'r cais gael ei glywed.

Ar ôl ystyried cais y Ceisydd, felly, nid yw'r Tribiwnlys yn rhoi caniatâd i'r cais gael ei wneud dan adran 103 o'r Mesur.

Rhoddir isod rhesymau'r Tribiwnlys dros ddod i'w benderfyniad.

**Rhodri Williams QC**  
**Aelod Cyfreithiol Tribiwnlys y Gymraeg**  
**25 Tachwedd 2021**



## **WELSH LANGUAGE TRIBUNAL**

**Case No: WLT/2021/02**

**HANNAH JAMES**  
(Applicant)

v.

**WELSH LANGUAGE COMMISSIONER**  
(Respondent)

### DECISION

Having considered:

- a) The Applicant's Notice of Application in an email dated 6 October 2021;
- b) The Commissioner's response to Applicant's original complaint dated 29 September 2021;
- c) Emails from the Tribunal to the Applicant dated 7 and 25 October, requesting more details about the Application in the Application Form;

The Tribunal is of the opinion:

1. That the application for a review of the decision of the Commissioner would have no reasonable prospect of success, and
2. That there is no other compelling reason why the application should be heard.

After a consideration of the application, therefore, the Tribunal does not grant permission, under section 103 of the Measure.

The reasons for the Tribunal's decision are noted below.

**Rhodri Williams QC**  
**Legal Member of the Welsh Language Tribunal**  
**25 November 2021**

## RHESYMAU

1. Y Mae'r Tribiwnlys wedi ystyried cais y Ceisydd am ganiatâd i adolygu, o dan adran 103 Mesur y Gymraeg, penderfyniad y Comisiynydd a wnaethpwyd ar 29 Medi 2021 i beidio cynnal ymchwiliad i'w chwyn o dan adran 71 Mesur y Gymraeg.
2. Yn ei chwyn gwreiddiol i'r Comisiynydd, honnodd y Ceisydd fod Bwrdd Iechyd Prifysgol Caerdydd a'r Fro wedi methu cydymffurfio â safonau'r Gymraeg, gan nad oedd gwefan <http://gender.wales> ar gael yn y Gymraeg.
3. Yn ôl ymateb y Comisiynydd, yn ei lythyr dyddiedig 29 Medi 2021 (CS055), fe benderfynodd terfynu'r ymchwiliad yn dilyn derbyn gwybodaeth pellach gan y bwrdd iechyd yn cadarnhau nad oedd yn bwrdd iechyd yn gyfrifol am y wefan <http://gender.wales>, oedd yn gyfrifoldeb trydydd parti, sef Umbrella Cymru, ac nad oedd y bwrdd iechyd wedi trefnu bod Umbrella Cymru yn darparu'r wefan ar ei ran.
4. Er bod cytundeb comisiynu yn bodoli rhwng y bwrdd iechyd ac Umbrella Cymru iddo ddarparu gwasanaethau penodol ar ran y bwrdd iechyd, roedd gwefan <http://gender.wales> yn gweithredu'n annibynnol oddi wrth y trefniant hwn. Felly, nid oedd y wefan dan sylw yn cael ei ddarparu ar ran y bwrdd iechyd ac, o ganlyniad, roedd y wefan y tu allan i gymhwysedd hysbysiad cydymffurfio y bwrdd iechyd ac nid felly yn ddarostyngedig i'r safonau sydd wedi'u gosod arno.

## REASONS

1. The Tribunal has considered the Applicant's application for permission to review, pursuant to section 103 of the Welsh Language Measure, the decision of the Commissioner made on 29 September 2021 not to hold an investigation into her complaint, pursuant to section 71 of the Welsh Language Measure.
2. In her original complaint to the Commissioner, the Applicant claimed that Cardiff and Vale University Health Board had failed to comply with the Welsh Language Standards, as the website <http://gender.wales> was not available in Welsh.
3. According to the Commissioner, in his letter dated 29 September 2021 (CS055), he decided to terminate the investigation having received further information from the health board confirming that the health board was not responsible for the <http://gender.wales> website, which was the responsibility of a third party, namely Umbrella Wales, and that the health board had not arranged for Umbrella Cymru to provide the website on its behalf.
4. Although an agreement existed between the health board and Umbrella Cymru for it to provide specific services on behalf of the health board, the <http://gender.wales> website operated independently outside this arrangement. Therefore, the website in question was not provided on behalf of the health board and, as a result, the website was outside the scope of application of the health board's notice of

5. Er gwaetha'r ffaith bod y Tribiwnlys wedi ysgrifennu dwywaith at y Ceisydd er mwyn darganfod os oedd rheswm i amau'r casgliad hwn ac er mwyn i'r Ceisydd eglurhau ei seiliau am ofyn am adolygiad penderfyniad y Comisiynydd, erbyn dyddiad penderfyniad hwn y Tribiwnlys, roedd y Ceisydd wedi methu ymateb.

6. Felly does dim rheswm i'r Tribiwnlys gwestiynu bod penderfyniad y Comisiynydd yn un rhesymol a chyfreithlon o dan amgylchiadau'r achos. Seilir y penderfyniad hwn ar y rhesymau a roddwyd gan y Comisiynydd yn ei lythyr dyddiedig 29 Medi 2021.

conformity and was not therefore subject to the standards which had been imposed upon it.

5. Despite the fact that the Tribunal had written twice to the Applicant in order to discover if there was any reason to doubt this conclusion and for her to clarify her grounds for requesting a review of the Commissioner's decision, by the date of this decision of the Tribunal, the Applicant had failed to respond.

6. Therefore there is no reason for the Tribunal to question whether the Commissioner's decision is a reasonable and lawful one in the circumstances of the case. This decision is based on the reasons which were given by the Commissioner in his letter dated 29 September 2021.