

# Appraisal of the Federal Polytechnics (Amendment) Act, 2019 in Nigeria: Issues and Options for Stronger Polytechnics Education in Nigeria

Dr. Onwudinjo Louis Ejike<sup>1</sup>, Adama Jane<sup>2</sup>, Arc. Ilo Winnie Nneka<sup>3</sup>

<sup>1</sup>*Department of Agricultural Extension and Management, Enugu State Polytechnic, Iwollo, Nigeria*

<sup>2</sup>*Department of Mass Communication, Enugu State Polytechnic, Iwollo, Nigeria*

<sup>3</sup>*Department of Horticulture and Landscaping, Enugu State Polytechnic, Iwollo, Nigeria*

**Abstract:** The mandate of polytechnic education all over the world is to produce middle and high level manpower in technology, and applied sciences to engender development. The purpose is to produce more technically trained graduates. A new Federal Polytechnics (Amendment) Acts 2019 came into being in Nigeria on May 20<sup>th</sup> 2019. The Act amended the Federal Polytechnics Act Cap F17, Laws of the Federation of Nigeria 2004. Some of the innovations brought about by the new law include introduction of high level manpower into the mandates of Polytechnic education in Nigeria, inclusion of the Deans and Directors to the Management Committee of the Polytechnics and the mandates that they should be meeting every month, abolishment of second tenure for the Principal Officers of the Polytechnics, the mandates that only Chief Lecturers from the Polytechnic sector can be appointed the Rector, harmonization of the 65 years as the compulsory retirement age for both Academic and Non-Academic staff of the Polytechnics in Nigeria amongst others, while the observed limitations include the discrimination against the State and Private Polytechnics in Nigeria, that only one Non-Academic staff included in the composition of the Governing Council, that the Registrar of the Polytechnics in Nigeria is no longer by the Law a member of the Governing Council and Academic Board, the exclusion of the representatives of the regulatory body, the NBTE from the composition of the Governing Council, the new Act did not streamline the Powers, functions and relationships between the Governing Council and Management of the Polytechnics in Nigeria, the Act only provides for the qualifications of the Rector and did not stipulates the qualifications for other principal officers, that Director of Works of the Polytechnics excluded from the principal officers of the polytechnics. Some recommendations were proffered which include amongst others that the regulatory body of the Polytechnics in Nigeria, NBTE should liaise with the Federal Ministry of Education and send directives to the 36 State Commissioners of Education in Nigeria compelling them to initiate and forward bills to their respective Houses of Assembly for the domestication of the Federal Polytechnic (Amendment) Act, 2019 to all the State Government owned and private Polytechnics, in Nigeria.

## I. INTRODUCTION

Polytechnics mean slightly different things to people and governments in different climes. Generally, a polytechnic is a tertiary educational institution for higher diploma, undergraduate and possibly post-graduate degrees in industrial

and applied sciences or technical courses. Practically, in all levels of Polytechnic education, industrial training, or work related, learning is a required path for Polytechnic certificate. Thus, in polytechnics all over the world, technical education is the priority.

Technical education had played critical roles in socio-economic emancipations of people since time immemorial. For instance, the first step on the road to Industrial Revolution was the spread of factory system, firstly in England, and so multiplied its wealth. Some of the great inventors then were without intensive academic education, but guided by a mechanical tact in relation to the appliances of their own industry and, making use of firstly, water power, and later steam power, transformed the economic life of the people, and thus, made England the first workshop of the world. In Europe, United States of America, and Asia; it is those in the Polytechnic system that drive their economies. For instance, in her determination to fast-track industrial and economic development, China in 2014 announced that it would convert half of her universities into polytechnics

In Nigeria, the academic mandates of Nigerian Polytechnics range from Engineering, Technical, Vocational, and Entrepreneurship studies to programs in Agriculture, Health, Innovation and Management Technology. However, their levels of academic instructions and research training appear not to exceed the equivalence of the university undergraduate training as available in Nigeria, even though Polytechnics education ought to lead in technological education. It is worth mentioning that Polytechnics education in Nigeria have made substantial impact on the vital areas of their mandate in terms of competent and quality skilled and technically oriented human capital, knowledge driven productivity, and contributions to Nigerian quest for industrial and economic development.

Currently, there are about 132 tertiary level institutions in the Nigerian Polytechnic system. This is made up 29 Federal Government- Owned Polytechnics, 48 State Government- Owned Polytechnics and 55 Private Polytechnics distributed all over the country. The National Board for Technical Education (NBTE) provides overall supervisory and

regulatory control but policy directions are provided by the individual Institutions Governing Council. The foregoing provides useful insight into the structure and philosophical foundation on the Nigerian Polytechnic system.

A new Federal Polytechnics (Amendment) Acts 2019 came into being in Nigeria on May 20<sup>th</sup> 2019. The Act amended the Federal Polytechnics Act Cap F17, Laws of the Federation of Nigeria 2004 to among other things, review the retirement age of staff of Federal Polytechnics in Nigeria and harmonizes the tenure of the Rector and other Principal Officers of Federal Polytechnic in Nigeria. The new Act came with some innovations that added value and substance to the Polytechnic education in Nigeria.

Following the introduction, section II discussed the innovations introduced into the Nigerian Polytechnic system by the new Act, while section III highlights on the major strengths of the new Act. Section IV states the weaknesses, section V concludes the appraisal, while section VI made some recommendations.

## II: INNOVATIONS OF THE NEW ACT.

Some of the improvements include: By **section 2(1)** of the new Act, the principal Act was amended by substituting for paragraph (a) with a new paragraph (a) which provides as follows:

*'to provide full-time or part-time courses of instruction and training to produce middle and high level manpower- in technology, applied science, commerce and management, and in such other fields of applied learning relevant to the needs of the development in Nigeria in the areas of industrial and agricultural production and distribution and for research in the development and adaptation of techniques as the Council may determine.'*

The above provision which brought about the inclusion of high level manpower unto the mandates of Polytechnic education in Nigeria is very important and significant. It signifies that any Federal Polytechnic in Nigeria that have the capacity can go forward and award degrees and higher degrees. Though, the Act was silent on the methodology that could be used to achieve this very objective, however, such Polytechnics who wish to award degrees are being encouraged to affiliate with any National University Commission (NUC) recognized university for the production of the high level manpower as envisaged by the Act. It is noteworthy to state that the inclusion of high level manpower to the mandates of polytechnic education in Nigeria is an improvement and a good opportunity for Polytechnics in Nigeria, this must be done using technically-oriented lecturers and instructors so that the general intents of polytechnic education is not compromised. Presently, Federal Polytechnic Bauchi and Institute of Management and Technology (IMT), Enugu amongst others have commenced degree programs in their Polytechnics.

The new Act also made a lot of changes on the composition of the Governing Council of the Federal Polytechnics in Nigeria in *section 3*. Specifically, by *section 3(2)*

*'the Council shall consist of a Chairman and four persons representing a variety of interests and broadly representative of the whole Federation one of whom shall be a woman; one person to represent the alumni association; a representative of the community where the Polytechnic situate; the Rector; the Deputy Rector; one person representing the Federal Ministry of Education; two persons, not below the rank of Chief Lecturer, elected by the Academic Board from among its members; and three persons, not below the rank of Senior Lecturer or its equivalent, elected by the Congregation from among its members in which one shall be a non-teaching staff'.*

Thus, with the new Act, all Deputy Rectors are now automatic members of the Governing Council, whereas the representatives of the Regulatory Body of all the Polytechnics and Monotechnics in Nigeria, the National Board for Technical Education (NBTE) has been removed from the Governing Council of the Polytechnics. The inclusion of the Deputy Rectors is a welcome development as a Deputy Rector is a potential Rector and should be part of the Council to be acquainted with the first class knowledge of all the happenings in the polytechnics. However, the removal of the representatives of the Regularly Body, the NBTE from the composition of the Governing Council of the Nigerian Polytechnics is not healthy as the NBTE representatives serve as the eyes of the Regulatory Body, and also help to checkmate the excesses of the Governing Council and Management of the Polytechnics in Nigeria, together with making sure that NBTE rules and regulations are implemented in all the polytechnics in Nigeria.

The inclusion of the representatives of the host community, where the Polytechnic situate in the composition of the Governing Council of the Polytechnics is another good development, as this will give the host community a sense of belonging as one of them is in the government of the polytechnic. This will help reduce the existing tensions between many polytechnics in the country and their host communities. For instance, the Federal Polytechnic Offa in Kwara State, Nigeria amongst others has been in a protracted land dispute with the host community.

In addition, the Academic Staff Union of Polytechnics in Nigeria (ASUP) has been giving a big sense of belonging in the new Act as four of their members now make the composition of the Governing Council of the Federal Polytechnics in Nigeria. They are the two Chief Lecturers to be elected by the Academic board of the Polytechnic, and two out of the three not below the rank of Senior Lecturer to be elected by the Polytechnic Congregation. This for sure will help mitigate the tensions and rancor always existing between the management and ASUP in many Polytechnics in Nigeria, which will further help to reduce the incessant strikes and

industrial actions being experienced in Nigeria polytechnics. For instance, as at the time on Federal Polytechnics (Amendment) bill was passed into law by the Nigerian National Assembly in May, 2019, the Academic Staff Union of Polytechnics(ASUP) Lagos State Polytechnics, Ikorodu chapter shut down the Polytechnic, leaving the Rector to run the institution from the bush.

The Act equally provides in *section 3(4)* that persons eligible for appointment into the Governing Council shall be persons of proven integrity, knowledgeable and acquainted with the working and tradition of the technical and vocational education. Notwithstanding this provision, most often, the Federal and State governments in Nigeria appoint monarchs, traditional rulers, religious leaders, political cronies, friends, relations, family members amongst others as the chairmen and members of the governing council of Federal and State tertiary institutions including Polytechnics in Nigeria without reference to any of the qualifications stipulated above. This sometimes breeds rancor and make the Governing Council and Management of the same institution to work in opposite direction. Worth mentioning is the recent wrangling between the Governing Council and the Management of University of Lagos, Nigeria that led to the expulsion of the Vice Chancellor of the institution. The feud brought confusion and set-back to the institution and later prompted the Federal Government of Nigeria to institute a panel of enquiry to look into the matter.

The new Act also touched on the tenure of the principal officers of the *Polytechnics in Nigeria*. *Community readings of sections 6(1)(a); 8(6)(a); 10 (4)(a) of the new Act show that the Polytechnics Registrar, Rector, Bursar and Librarian shall hold office for a single term of five years, while section 9(6) now gives Deputy Rectors a single term of four years. Thus, pursuant to the above provisions, the new Act abolishes second tenure for principal officers of the Federal Polytechnics in Nigeria. Only members of the Governing Council other than the ex-officio members shall hold office for a term of three years at the first instance and may be eligible for re-appointment for another term of three years and no more [section 3(5)].*

Again, with the new Act, anybody who is not a full time Chief Lecturer in the Polytechnic sector shall never be appointed as the Rector of any Federal Polytechnic in Nigeria. **Section 8** of the Act provides for the appointment of a Rector, whereas **section 8(2) (a)(i)** provides that the qualification of the person who may apply for the post of the Rector, shall be a Chief Lecturer in the Polytechnic sector with at least five years' experience on that position among others. This is a welcome development as many Polytechnics in Nigeria are being headed by Professors and other professional who have no previous dealings with polytechnic education in the past. To govern a polytechnic well, one must have to grow from the rank and file of polytechnic system in Nigeria. It is noteworthy to state that the new Act is silent on the qualifications of the other principal officers of the

Polytechnics in Nigeria. This is confusing and capable of breeding rancor and unnecessary wrangling among the staff of the polytechnics whenever any of the positions is vacant.

*The new Act by section 14(4)* stated that the compulsory retirement age of the polytechnic staff is sixty-five (65) years. Thus, with the new Act, both academic and non-academic staff of the Federal Polytechnic retirement age is now 65 years. Thus, this has brought to an end the controversies and incessant industrial actions from the side of the Non-Academic staff of the Polytechnics in Nigeria, however, in State government owned Polytechnics in Nigeria, only academic staff enjoy the 65 years' retirement age. As of the time of when the Act came into existence in May, 2020, only Jigawa State Polytechnic has both academic & non-academic staff retirement age of 65 years. Many State Polytechnic are still talking with their respective State Governments concerning the non-academic staff. Thus, there is no uniformity on retirement age, and this can hamper productivity of the non-academic staff if nothing is done about it.

*Section 15* of the new Act deals with the composition of the Academic Board, and it states that the Rector, Deputy Rector(s), Heads of Academic departments and Units, the Librarian, Deans and Academic Directors, all Chief Lecturers, and two members of Academic staff not below the ranks of Senior Lecturers elected from among its members for a non-renewable term of three years make up the Academic Board. By this provision, the Registrar is no longer a member of Academic Board.

By the new Act about eight Polytechnics in Nigeria previously not in the old Act are now incorporated into the new Act, and they are Auchi Polytechnic; the Polytechnic, Bali; the Polytechnic, Ekowe; Hussaini Adamu Polytechnic Kazaure; Waziri, Umaru, Polytechnic, Birnin Kebbi; Federal Polytechnic Oil & Gas Bonny; and Federal Polytechnic Ile-Oluji.

*By section 9A(i)* of the Act, there shall be a Management Committee consisting of all Principal Officers of the Polytechnic, Deans & Directors in the Polytechnic, and the Management Committee shall meet at least once in a month to discuss and take decisions on the matters of general interest to the Polytechnic. The inclusion of Deans and Directors in the Management Committee is well articulated as it can help for easy dissemination of information.

### III: STRENGTHS OF THE NEW ACT

1. Introduction of high level manpower into the mandates of Polytechnic education in Nigeria.
2. Inclusion of the eight (8) Federal Polytechnics in Nigeria not covered by the Principal Act.
3. Inclusion of the Deans and Directors to the Management Committee of the Polytechnics and the mandates that they should be meeting every month.

4. Abolishment of second tenure for the Principal Officers of the Polytechnics.
5. The mandates that only Chief Lecturers from the Polytechnic sector can be appointed the Rector.
6. Harmonization of the 65 years as the compulsory retirement age for both Academic and Non-Academic staff of the Polytechnics in Nigeria.
7. Establishment of the Congregation for the Polytechnics in Nigeria to be meeting at least once in a year where a larger staff of the Polytechnics will have the opportunity to meet and interact directly with the management.

#### IV: WEAKNESSES OF THE NEW ACT

1. The Act discriminates against the State and Private Polytechnics in Nigeria. As at 2019 when the new Act came into being, there were about 132 Polytechnics in Nigeria. This was made up of 29 Federal, 48 State, and 55 Private Polytechnics distributed all over Nigeria. Being a Federal Polytechnic Act, it means that it covers only 29 Polytechnics in Nigeria, and for any State Polytechnic in Nigeria to enjoys the dividends of the Act, the State House of Assembly must have to domesticate the Law, whereas the founders will do same for the Private Polytechnics.
2. The protracted controversy of Degree (B.Sc) and Higher National Diploma (HND) discrimination in employment and remuneration has not been address.
3. Only one Non-Academic staff included in the composition of the Governing Council is not enough and is capable of breeding further industrial actions in the Polytechnic system in Nigeria
4. That the Registrar of the Polytechnics in Nigeria is no longer by the Law a member of the Governing Council and Academic Board is not healthy to the Polytechnic educational system in the Country. This is because the Registrars are the head of the administration in the system. Thus, isolating them may not fare well to the system.
5. The exclusion of the representatives of the regulatory body, the NBTE from the composition of the Governing Council is not healthy to the Polytechnic system in Nigeria.
6. The affiliation of any the Polytechnics who may wish to introduce degree courses to Universities means that there would be two regulatory institutions, NBTE and NUC for such Polytechnics in Nigeria. This amount to serving two masters at a time.
7. There is no harmonizing scheme of service for the Polytechnic system in Nigeria, as only staff retirement age and appointment of Principal Officers were mentioned in the Act.
8. The new Act did not streamline the Powers, functions and relationships between the Governing Council and Management of the Polytechnics in

Nigeria, and this often triggers conflicts between the two.

9. The Act only provides for the qualifications of the Rector and did not stipulate the qualifications for other principal officers of the Polytechnics like the Deputy Rector, Registrar, Bursar, Librarian. This is confusing.
10. Director of Works of the Polytechnics excluded from the principal officers of the polytechnics.
11. Isolating the Non-Academic staff of the State Government Polytechnics in Nigeria from the compulsory 65 years' retirement age.
12. Existence of multiple Laws regulating Polytechnic education in Nigeria is not a healthy development for the system.

#### V. CONCLUSION

Polytechnics are supposed to be those who deal with inventions and innovations needed to develop any nation. However, polytechnic education in Nigeria suffers neglect, and is often discriminated upon, as the Federal and State governments continue to fund the university system than the Polytechnics. In Europe, United States of America, and recently China it is those in the Polytechnic system that drive their economies. For instance, in her determination to fast-track industrial and economic development, China in 2014 announced that it would convert half of her universities into polytechnics. The purpose is to produce more technically trained graduates. The choice was between applying more resources to training more engineers, senior technicians and other highly skilled persons as against production of graduates of universities versed in extensive academic and highly conceptual learning but with reduced chances of self fulfillment within the job markets. Thus, Nigeria government is advised to remove all discriminations against Polytechnic education and its graduates both in funding and employment, but instead encourage the Polytechnic system for speedy industrial and economic development of the country.

#### VI. RECOMMENDATIONS

1. The regulatory body of the Polytechnics in Nigeria, NBTE should liaise with the Federal Ministry of Education and send directives to the 36 State Commissioners of Education in Nigeria compelling them to initiate and forward bills to their respective Houses of Assembly for the domestication of the Federal Polytechnic (Amendment) Act, 2019 to all the State Government owned Polytechnics in Nigeria. NBTE should also as a matter of police make implementation of the Act compulsory by including same as one of the accreditation and re-accreditation requirement for every Polytechnic in Nigeria irrespective of the ownership and control structure of the said Polytechnic. This if properly implemented will go a long way in harmonization of learning and standard among all the Polytechnics in



- Nigeria. A situation where the law regulating the Federal Polytechnics is different from the Law regulating the State and Private Polytechnics in the same Country is not healthy for the system at all
- 2 Again, Nigerian Government should remove the discrimination existing in employment and remuneration between the Degree (B.Sc) and Higher National Diploma (HND) holders. A situation where a B.Sc and HND holders got the same job, on the same day, but while the former is placed on grade level 08, the later will be placed on grade level 07 is not encouraging to the Polytechnic educational system and graduates in Nigeria.
  - 3 Additional two or more non-teaching staff should be included as member of the Governing Council of the Polytechnics in Nigeria, since Non-Academic staff of the Polytechnics are as important as the Academic staff as the work in the administration, help the Academic staff to function, man the workshops and the laboratories amongst others, and they are more in numerical strength. Thus, they ought to be well represented in the Governing Council.
  - 4 The Registrars of the Polytechnics in Nigeria should be members of the Governing Council and Academic Boards of the Polytechnics in Nigeria. This is because registry departments are too encompassing making the Registrars the head of the administration in the institutions. Thus, isolating them on the two important bodies may not fare well to the system.
  - 5 Since NBTE provides overall supervisory and regulatory control on all the Polytechnics in Nigeria, while Governing Council provides the policy directions for individual Polytechnics in Nigeria, NBTE representatives should be part of the Governing Council of the Polytechnics in Nigeria. They serve as the eyes of the Regulatory Body, and also help to checkmate the excesses of the Governing Council and Management of the Polytechnics in Nigeria, together with making sure that NBTE rules and regulations are implemented in all the polytechnics in Nigeria.
  - 6 There should be a new harmonize scheme of service for all the Polytechnics in Nigeria that should streamline the qualifications, appointments, promotions, and remunerations of all the Principal officers, Academic and Non-Academic staff of the Polytechnics in Nigeria.
  - 7 The provision for a Polytechnic Congregation consisting both Academic & Senior Non-Teaching Staff, who hold at least first degree or its equivalent is a welcome development but every staff should have been included.
  - 8 The Act should streamline and compartmentalize the powers, functions and relationships between the Governing Council and the Management of the Polytechnics in Nigeria as to eschew unnecessary

rivalry and rancor that do exist between the duo in some Polytechnics in Nigeria.

- 9 The Government and the NBTE should ensure that it is only persons of proven integrity, knowledgeable and acquainted with the working and tradition of the technical and vocational education are appointed into the Governing Council of the Polytechnics in Nigeria. Appointment of persons without any background and passion for technical education into the Governing Council do not always augur well with the mandates of Polytechnic education in Nigeria.
- 10 Director of Works should in the Polytechnics in Nigeria should be raised to the status of principal officers, and also be members of the Governing Council. This is because they are manning an important and strategic component of the system. Everything in Polytechnic education is about physical structures, infrastructures, Laboratories and workshops which are directly under the supervisions of the Director of Works.
- 11 Non-Academic staff of the State Government Polytechnics in Nigeria should enjoy the compulsory 65 years' retirement age with the Academic staff. On this, there should be a forum of all Rectors of the State Polytechnics in Nigeria, where they should be meeting periodically to discuss their affairs.

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